

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2906 of 2022

Arising Out of PS. Case No.-703 Year-2020 Thana- FORBESGANJ District- Araria

HARISH @ HARISH CHADRA Son Bhagwan Das Resident of Village -
Dhakni, P.S.- Faridpur, Distt.- Bareilly, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Special Case
No. 652/2020 arising out of Farbisganj (Simraha) P.S. Case No.
703/2020 lodged under Sections 30 (a)/38(1) of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per the allegation, the total recovery made in the
present case of 3528 liters of foreign liquor.

The learned counsel for the petitioner submits that the
recovery was not made from the possession of the petitioner. He
submits that the truck driver, from whose possession this liquor was
recovered, has disclosed his name. He further submits that the
petitioner is in custody since 02.11.2021. He also submits that there
is one case of similar nature was pending in which bail was granted
to him by this Hon'ble Court. He also informed to this Court that
charge sheet has already been filed in this case.



Learned APP for the State has opposed the prayer for bail.

Considering the facts of the case that charge sheet has already been filed in this case and the recovery was not made from the possession of the petitioner, rather his name figured in this case only by virtue of confessional statement of co-accused and also on the point that the petitioner has one criminal antecedent and he is ready to file undertaking before the Court that he shall not involve in such type of cases in future, let the petitioner, above named be granted bail on furnishing bail-bond of Rs.1,00,000/- (Rupees one lakh) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge Excise, Araria, Bihar in connection with Special Case No. 652/2020 arising out of Farbisganj (Simraha) P.S. Case No.703/2020.

The petitioner is also directed to file an undertaking before the trial court at the time of furnishing the bail bond that he shall not involve in such type of activities in future.

The prosecution is at liberty to file cancellation of bail to the petitioner, in case the petitioner violates his undertaking.

Accordingly, this application is disposed of.

(Dr. Anshuman, J)

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