

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11701 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BUXAR INDUSTRIAL District- Buxar

Sukhari Sahani, Son Of Akshaylal Manjhi, @ Akshay Lal Sahani @ Akshaylal Chaudhari, Resident Of Village- Santh Ke Dera, P.S- Narahi, Dist- Balia, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned APP for the State through Video Conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Buxar (Industrial) P.S. Case No. 99 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is that the petitioner had allegedly stored a huge quantity of illicit liquor in some bushes near the road. The place was searched and about 182.160 litres of India made foreign liquor was recovered, but the petitioner

fled away from the spot.

The learned counsel for the petitioner submits that the recovery was made from a public place and the petitioner has got no concern with the said recovery. He was not arrested from the spot and nothing incriminating has recovered from his possession. The petitioner is in custody since 10.12.2021 and charge sheet has been submitted. Regarding antecedent of the petitioner, learned counsel submits that petitioner is also made an accused in another case in which he is on bail.

Learned APP opposes the prayer for bail. He submits that a huge quantity of liquor has been recovered and the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and nothing has been recovered from his possession and further considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum Special Judge, Excise Act, Buxar in connection with Buxar (Industrial) P.S. Case No. 99 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--