

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9598 of 2022

Arising Out of PS. Case No.-375 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Pappu Kumar Sah, Son Of Mahesh Sah, R/O Village- Koreya Lokhan, P.S.-
Ghorasahan, District- Motihari, East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 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 Kuchaikote P.S. Case No. 375 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

Allegedly, from the vehicle, of which the petitioner was a cleaner, 195 litres of illicit liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and nothing has been recovered from his conscious



possession. The petitioner has no concern with the articles being carried in the bus either by the driver or the passengers. The petitioner is neither the driver nor the cleaner, he was merely a passenger on the bus, but the cleaner managed to escape and under wrong impression, this petitioner was apprehended. Moreover, the petitioner has nothing to do with the contraband, which was recovered from the dickey of the bus. The charge-sheet has been submitted in this case and the petitioner is in custody since 04.09.2021 and is having no criminal antecedent. Moreover, co-accused Sanjay Kumar Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.05.2022 passed in Cr. Misc. No. 59849 of 2021.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 04.09.2021 and is having no criminal antecedent, 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 2nd Additional Sessions Judge, Gopalganj, in connection with Kuchaikote P.S. Case No. 375 of 2021, subject to the following conditions :



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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.

(Arun Kumar Jha, J)

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