

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12791 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- MARANCHI District- Patna

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Rohit Kumar @ Malinga S/o Late Sukkar Singh @ Jairam Singh Resident of
Village- Rampur Dumra, P.S.- Maranchi (Pachmahala O.P.), District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 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 Special Case No.1240 of 2020, arising out of Maranchi (Pachmahala OP) P.S. Case No. 16 of 2020, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, 74.13 liters of India made foreign liquor was recovered from a vehicle and the petitioner was stated to be unloading the same from that vehicle and escaped from the spot when the raid was being conducted.



Learned counsel appearing on behalf of the petitioner submits that the petitioner was not arrested from the spot and the vehicle from which recovery has been made does not belong to the petitioner. Except for suspicion of the informant that the petitioner was involved, there is nothing on record against this petitioner. The charge sheet has been submitted in this case and the petitioner is in custody since 21.12.2021.

Learned APP opposes the prayer for bail submitting that the petitioner has got criminal antecedent and is accused in two such cases.

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 21.12.2021, 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 District Judge-III-cum-Special Judge, Excise Court, Barh, District-Patna, in connection with Maranchi (Panchmahala OP) P.S. Case No. 16 of 2020 subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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 on 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/-

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(Arun Kumar Jha, J)

