

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16853 of 2022

Arising Out of PS. Case No.-407 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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MINU KUMAR @ MONU KUMAR Son of Anil Singh R/o Village -
Bharthauli, P.S. - Aurangabad Mufassil, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dayanand Singh
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Aurangabad Town P.S. Case No. 407 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of 240 liters of India made foreign liquor was made from a car which was intercepted on the basis of secret information received by the police. Petitioner is stated to be the driver of this seized car.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner is neither the owner nor the driver of the said car though it is alleged that he was driving the car and fled away from the spot. The petitioner has been named in this case since he was having some criminal cases pending against him. Charge sheet has been submitted in this case and the petitioner is in custody since 04.02.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from the petitioner and further considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody for more than five months, 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 Special Judge, Excise, at Aurgabad in connection with Aurangabad Town P.S. Case No. 407 of 2021, 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 the person, who has sworn the affidavit.
- (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.

(Arun Kumar Jha, J)

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