

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17430 of 2022**

Arising Out of PS. Case No.-303 Year-2021 Thana- NAVINAGAR District- Aurangabad

SAKENDRA KUMAR S/o Sardar Ram Resident of Village- Duari, P.S.-  
Tandwa, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rupa Kumari

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      22-07-2022                      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 Nabinagar P.S. Case No. 303 of 2021 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is that police received secret information about three persons carrying illicit liquor on a motorcycle and when the police party reached there, all the three persons tried to escape from there leaving behind their motorcycle as well as a sack which was kept on motorcycle. The petitioner



was apprehended after chase whereas co-accused fled away from the spot. About 100 liters of illicit *mahua* liquor was recovered from the sack and the same was seized along with the motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do with the motorcycle or the recovered illicit liquor. In fact nothing has been recovered from conscious possession of the petitioner. Though the FIR was lodged at 11 A.M. on 26.11.2021 after the petitioner was apprehended at 4.15 A.M. on 26.11.2021 but he was produced before the learned court below only on 27.11.2021. There is complete non compliance of Section 100 of Cr.P.C. Charge sheet has been submitted in this case and the petitioner is in custody since 27.11.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended from the spot.

Having regard to the fact that charge sheet has been submitted in this case and the petitioner is in custody for about eight 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-1st, Aurangabad, Bihar in



connection with Nabinagar P.S. Case No. 303 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 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)**

Gautam/-

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