

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18542 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- SIKTI District- Araria

Rakesh Kumar Son Of Birendra Mandal R/O Village- Pipra Bijwar, Ward
No.-09, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Anant Kumar 1

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 Sikti P.S. Case No. 36 of 2022 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, the petitioner was apprehended by the SSB forces on patrolling duty while coming on motorcycle from Nepal to India. From the motorcycle, total 117 liters of *Nepali liquor* was recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Recovered motorcycle does not belong to the petitioner and has got no concern with the owner of the seized motorcycle. Petitioner has got no connection with the recovered liquor and he was not involved in any such offence earlier. There has been violation of statutory provision while preparing of seizure list. Charge sheet has been submitted in this case and petitioner is in custody since 20.02.2022.

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

Having regard to submission made on behalf of the parties and considering the fact that charge sheet has been submitted and further considering the period of custody of the petitioner, 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 Exclusive Special Excise Judge 2nd, Araria in connection with Sikti P.S. Case No. 36 of 2022, 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)

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