

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19042 of 2022

Arising Out of PS. Case No.-319 Year-2021 Thana- JOKIHAT District- Araria

Chhaila Kumar @ Chhaila Yadav, Son of Raj Kishor Yadav, Resident of
Village - Patuaha, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, 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 Jokihat (Mahalgaon) P.S. Case No. 319 of 2021, corresponding to special case No 758 of 2021, for the alleged offences under Section 30(a) of Bihar Prohibition & Excise Act 2016.

During patrolling duty, the police party tried to stop a Scorpio vehicle on suspicion and after chase intercepted this vehicle. However, the driver and co-passenger fled away from the vehicle and 145.110 liters of India made foreign liquor was



recovered from the said vehicle. Later on, during investigation, the Police came to know that the petitioner was driving the vehicle, who escaped away from the spot.

Learned Counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on suspicion. The petitioner was neither arrested from the spot nor anything was recovered from his conscious possession. This fact is clear from the F.I.R itself. The charge-sheet has been submitted in this case and the petitioner is in custody since 04.09.2021.

The learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been submitted and the petitioner is in custody since 04.09.2021, he 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 the learned Additional Sessions Judge- II-cum- Exclusive Special Judge, Excise II, Araria in Connection with Jokihat (Mahalgaon) P.S. Case No. 319 of 2021, Corresponding to Special Case No. 758 of 2021, subject to the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor 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 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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