

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19694 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- CHAPRA TOWN District- Saran

Bhola Rai Son Of Ram Nath Rai R/O Village- Rouza Ward -44, P.S.- Chapra
Town, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Pushpa 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 Chapra Town P.S. Case No. 83 of 2022 registered for the alleged offences under Sections 30(a) /41 (i) (ii) of Bihar Prohibition and Excise Act.

The prosecution case is that the police received information that the petitioner has been storing illicit liquor behind a petrol pump and from there he was distributing and transporting the same. The said place was raided and about 500 liters of country made liquor was recovered. The petitioner fled



away from the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has been named in this case merely on suspicion and on the basis of statement of informer. No recovery has been made from the conscious possession of the petitioner. The land from where recovery has been made does not belong to this petitioner. Moreover, it is an open land and is accessible to all. The charge-sheet has been submitted and the petitioner is in custody since 25.02.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and the recovery was made from an agricultural field not belonging to this petitioner and also considering the fact that charge-sheet has been submitted and the petitioner is in custody since 25.02.2022, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in



connection with Chapra Town P.S. Case No. 83 of 2022 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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