

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21257 of 2022

Arising Out of PS. Case No.-131 Year-2019 Thana- PATEPUR District- Vaishali

Sanjeev Kumar @ Bhola Rai Son Of Raj Kishore Rai R/O Village- Bardiha,
P.S.- Patepur, Distict- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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 Patepur P.S. Case No. 131 of 2019 registered for the alleged offences under Sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition And Excise Act, 2018.

As per prosecution case, on getting information that the petitioner and other co-accused persons were unloading illicit liquor from a truck, a raid was conducted and total 864 liters of illicit India made foreign liquor was recovered from the truck.

Learned counsel for the petitioner submits that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner was not even present at the place of occurrence and he was neither seen by the police nor he has any concern with the truck nor with the seized liquor. The petitioner is not involved in purchase or sale or transportation or manufacturing or storage of illicit liquor. Similarly situated co-accused persons namely Shankar Rai and Pintu Mahto have been granted anticipatory bail by the Coordinate Benches in Cr. Misc. No. 52426 of 2019 and Cr. Misc. No. 62916 of 2019 vide order dated 16.11.2019 and 23.10.2019, respectively. Charge sheet has been submitted in this case and the petitioner is in custody since 23.02.2022.

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

Having regard to the submission made hereinabove and considering the facts and circumstances of the case that no recovery has been made from this petitioner, who was not apprehended from the spot and also considering the submission of charge sheet as well as 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 Court of Prohibition and Excise II-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 131 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (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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