

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22542 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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Dablu Jaiswal @ Dablu Kumar Jaiswal, S/o Late Ramshri Prasad Jaiswal @
Late Ramji Prasad Jaiswal, R/o Village - Prakash Nagar, Naya Tola,
narkatiyaganj, P.S. - Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 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 Excise Case No. 47 of 2022 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, total 108.120 litres of India
made foreign liquor was recovered from the premises of this
petitioner who has taken it on rent. The petitioner was
apprehended from his house.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. Recovery has been made from his premises in which other tenants were also residing. It could not be said that it was in exclusive possession of this petitioner, so liability of recovery of illicit liquor could not be fastened on this petitioner. The petitioner is in custody since 22.02.2022 and the prosecution report has been submitted in this case.

Learned APP opposes the prayer for bail submitting that recovery has been made from the house of the petitioner and the petitioner is having criminal antecedents of similar nature.

Having regard to the submissions made hereinabove and considering the fact of submission of charge sheet as well as 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 Special Judge, Excise, Bettiah, West Champaran in connection with Excise Case No. 47 of 2022, subject to the conditions mentioned in Section 437(3) of the



Cr.P.C. and the following conditions:

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

(ii) One of the bailors will be Meera Devi, wife of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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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