

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21471 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- ITARHI District- Buxar

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Satyendra Kumar, S/o Surendra Paswan, R/o village- Orap, P.S.- Itarhi,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, 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 Itarhi P.S. Case No. 246 of 2021, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, the police received secret information about the co-accused Surendra Paswan selling illicit liquor from his house and the place was raided and 174.200 liters of country made liquor was recovered. Two persons tried to escape from there, but the co-accused Surendra Paswan was



arrested and this petitioner allegedly escaped from the spot.

The learned counsel appearing on behalf of the petitioner submits that the petitioner was not arrested from the spot. Nothing incriminating has been recovered from his conscious possession. The place of recovery is a joint family property. The name of the petitioner came up allegedly in the confessional statement of co-accused father, otherwise there is no cogent evidence against him. The charge sheet has been submitted in this case and the petitioner is in custody since 23.02.2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and no recovery has been made from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, 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 learned Special Excise Court-1, Buxar, in connection with Itarhi P.S. Case No. 246 of 2021, 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 Gorakh Paswan, maternal uncle of the petitioner, who has sworn the affidavit in this case.

(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)

V.K.Pandey/-

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