

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21474 of 2022

Arising Out of PS. Case No.-367 Year-2020 Thana- DESARI District- Vaishali

=====

Birju Kumar, Son of Visheshwar Ray, Resident of Village - Diwantok, P.S. -
Gangabridge, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

=====

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 Desari P.S. Case No. 367 of 2020 registered for the alleged offences under Section 30(a), of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, 270 litres of illicit country made liquor was recovered from a tempo and co-accused Laxmipati Balaji was apprehended, who named this petitioner as the owner of the tempo.

The learned counsel for the petitioner submits that the



petitioner was not present at the spot and was not arrested from the place of occurrence. The petitioner has no concern with the recovery made from the tempo. No incriminating article has been recovered from the person or possession of this petitioner and the co-accused has named this petitioner due to previous enmity. The petitioner is in custody since 18.12.2021 and the charge-sheet has been submitted in this case.

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 petitioner was not present at the place of occurrence and nothing incriminating has been recovered from his conscious possession and further considering the submission of charge sheet in this case and the period of his custody, 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 Excise Court No.-1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Desari P.S. Case No. 367 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 Sakunti Devi, mother of the petitioner, who has sworn the affidavit.
- (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)

balmukund/-

U		T	
---	--	---	--

