

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21415 of 2022**

Arising Out of PS. Case No.-74 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Vaishali

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Prem Nath Patel, Son Of Late Sita Ram Patel, R/O Village- Kanauli, P.S.-  
Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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**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 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 C2A Case No. 74 of 2022 registered for the alleged offences under Sections 30(a), 31(1), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, on receiving information, a raid was conducted on the house of the petitioner and from a hut situated on the land of the petitioner, total 639 litres of India



made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and nothing incriminating has been recovered from his conscious possession. The alleged recovery was made from an open place and it is accessible to all. So it could not be said that the petitioner has stored the said liquor at that place. The petitioner is in custody since 04.03.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that a huge quantity of liquor has been recovered from the possession of this petitioner.

Having regard to the facts and circumstances made on behalf of the petitioner and further considering the fact that the petitioner has got no criminal antecedent and considering the submission of charge-sheet along with 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 (2<sup>nd</sup>)-cum-Additional District and Sessions Judge, Hajipur, Vaishali in connection with C2A Case No. 74 of 2022, subject to the conditions mentioned in



Section 437(3) of the Code of Criminal Procedure and the following conditions :

(i) One of the bailors will be the deponent, 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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