

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23084 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- MUFFASIL District- Aurangabad

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Pintu Kumar @ Pintu Chaudhari, Son Of Anil Chaudhary, R/O Village-
Patthalkatti, P.S.- Sherghati, District- Gaya. At Present R/O- Gangti, P.S.-
Aurangabad (TOWN), District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rajesh 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 Aurangabad (Muffasil) P.S. Case No. 94 of 2022 registered for the alleged offences under Sections 279, 337 and 338 of the Indian Penal Code Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, recovery of 187.500 litres of country made liquor was made from the vehicle from which the co-accused Rohan Kumar and Nitish Kumar were apprehended.



The co-accused named this petitioner who was to receive this consignment of illicit liquor. At the place where the liquor was to be supplied, petitioner was apprehended at the instance of co-accused.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been made accused only on the basis of disclosure of co-accused which has got no sanctity in the eyes of law. The petitioner has nothing to do with the vehicle or the seized contraband and except for the confessional statement of co-accused, there is no material against this petitioner. The petitioner is in custody since 24.03.2022 and the charge-sheet has been submitted in this case. He is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further 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 Special Judge Excise-I, Aurangabad, in connection with Aurangabad (Muffasil) P.S. Case No. 94 of 2022, 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 Savitri Devi, wife of the petitioner, 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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