

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22980 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Baiju Kumar Son Of Naval Mahto R/O Village- Kusmari (PASCHIM Tola),
Ward No.-9, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh
For the Opposite Party/s : Mr.Md. Shakir Ahmad

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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 virtual court proceeding.

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 .C2-58/2022 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, from the semi built house of the petitioner, 113.500 liters of country made nepali liquor was recovered. The petitioner was apprehended from the spot.

Learned counsel for the petitioner submits that the



house from which recovery is said to be made, is a joint house and the petitioner cannot said to have its exclusive possession. Moreover, the petitioner is not residing in that half constructed house. Furthermore, the said house is open and is without window or door as such the petitioner was not having any knowledge about the liquor kept there. The petitioner is in custody since 12.02.2022 and prosecution report has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering that the recovery has been made from virtually an open space and also considering the submission of charge sheet as well as period of custody of the petitioner who has got no criminal antecedent, 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. II, Sitamarhi in connection with C2-58/2020 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 a close



relative of the petitioner.

(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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