

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24067 of 2022

Arising Out of PS. Case No.-362 Year-2020 Thana- GORAUL District- Vaishali

RAVI KUMAR Son of Umesh Singh R/o Vill.- Husena Bujurg, P.S. - Goraul,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Goraul P.S. Case No. 362 of 2020 registered for the alleged offences under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the recovery of 212.295 liters of illicit liquor was made near the house of the petitioner. A raid was conducted on secret information that the petitioner and co-accused have brought huge quantity of India made foreign liquor and have concealed it beneath the bridge adjacent to their



house. The petitioner and other co-accused persons fled away from the spot when the raid was being conducted.

Learned counsel for the petitioner submits that petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. It is not believable that petitioner was identified in darkness. Other co-accused namely Kundan Kumar has been granted bail by a Coordinate Bench vide order dated 25.10.2021 passed in Cr. Misc. No. 30765 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 08.03.2020. The petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that huge quantity of liquor was recovered which was brought by the petitioner.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered from the conscious possession of this petitioner and co-accused has been granted bail by a Coordinate Bench whose case was similarly situated and further considering the submission of charge sheet and period of custody of the petitioner, 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 & Sessions Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 362 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 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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