

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24813 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- SIKARPUR District- West Champaran

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JAIPRAKASH KUSHWAHA @ JAIPRAKASH PRASAD KUSHWAHA
Son of Sinhashan R/O Village - Siswa, Nawka Tola, P.S. - Shikar Pur, Distt.-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the parties through video
conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Shikarpur P.S. Case No. 209 of 2021 under Sections 30(a) of
the Bihar Prohibition and Excise Act (Amendment) Act.

The allegation against the petitioner is of
recovery/seizure of 70 liters of illicit liquor along with other co-
accused persons when the police raided the place of occurrence.
Allegation is that although the accuseds escaped, locals gave
their name which included the petitioner herein too.



Learned counsel for the petitioner submits that the police recovered/seized 70 liters of illicit liquor from a common 'Sareh' (field). He further submits that nothing has been recovered from the conscious possession of the petitioner and the locals therein just to implicate him gave his name along with other co-accused persons. Further submission is that the petitioner has suffered a lot by being in jail since 07.03.2022 (as stated in paragraph-8 of the bail application). He accordingly, submits that the petitioner deserves bail.

Taking into account the aforesaid facts that there has not been any recovery/seizure from the conscious possession of the petitioner. Further, as per paragraph-3 of the bail application, he has no criminal antecedent and is in custody since 07.03.2022 coupled with the fact that charge sheet stands submitted, this court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Exclusive, Spl. Judge, Excise, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 209/2021, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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