

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24745 of 2022**

Arising Out of PS. Case No.-576 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

CHHOTAN KUMAR @ OM PRAKASH S/o Shiv Kumar Singh Resident of
Village- Chaksakra, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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 Hajipur Sadar P.S. Case No. 576 of 2018 under Sections 30(a) of the Bihar Prohibition and Excise Act (Amendment) Act, 2016.

The allegation against the petitioner is that on secret information, the police raided the poultry farm of the petitioner and recovered/seized 77.310 liters of Indian made foreign liquor. Accordingly, the FIR was lodged and the petitioner was taken into custody.

Learned counsel for the petitioner submits that the



alleged recovery/seizure of 77.310 liters of Indian Made Foreign liquor has been attributed from the poultry farm of the petitioner. He further submits that his residence is away from the poultry farm which is looked after his staff and he had no knowledge of the presence of the said liquor inside the poultry farm which may be handiwork of some of the staff, for which he has already suffered by being in custody 21.02.2022 (as stated in paragraph-12 of the bail application). He further submits that he has no criminal antecedent.

Mr. Parmanand Kumar, learned APP submits that the recovery has been made from the poultry farm.

Taking into account the aforesaid facts that the recovery is from the poultry farm and the petitioner claims to have his residence away from the said place, he has no criminal antecedent and is in jail since 21.02.2022, 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 Special Excise court no. 1 cum Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 576 of 2018, 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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