

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26286 of 2022**

Arising Out of PS. Case No.-141 Year-2019 Thana- KHODAWANDPUR District- Begusarai

Kailash Sah, Son of Nakho Sah, Resident of Village - Rajgir Tola Dusadh
Patti Jharia, Ward no.36, P.S.- Jharia, Distt.- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 16-08-2022 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 Khodawandpur P.S. Case No.141 of 2019, registered for the alleged offences under Sections 120 (B), 272, 273, 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, during checking of vehicles, a person driving a pick up vehicle tried to run away but he was intercepted after chase and from the intercepted vehicle, 621 liters of India made foreign liquor was recovered. At the instance of the apprehended co-accused Subodh Yadav,



another vehicle was intercepted and two co-accused persons were arrested who admitted that they have unloaded a consignment of liquor and named this petitioner along with another co-accused Raj Kumar Vishwakarma at whose instance they have been supplying the liquor.

The learned counsel appearing on behalf of the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner is neither the owner of the vehicle seized by the police nor he has anything to do with the recovered contraband. The co-accused persons Rahul Ram and Raja Thakur have been granted bail by a Coordinate Bench of this Court vide order dated 27.09.2019 passed in Cr. Misc. No. 59454 of 2019. The charge sheet has been submitted in this case and the petitioner is in custody since 23.02.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not arrested from the spot and nothing incriminating has been shown to be recovered from him and the co-accused persons, who named this petitioner, have been granted bail and further considering the submission of charge sheet and the period of



custody of the petitioner, he 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 Excise Judge-I, Begusarai, in connection with Khodawandpur P.S. Case No. 141 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Laxmi Devi, wife of the petitioner, who has sworn the affidavit in this case.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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)

V.K.Pandey/-

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