

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27301 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- SAHEBPUR KAMAL District- Begusarai

ARUN KUMAR JAISWAL @ ARUN CHOUDHARY Son of Narayan
Choudhary Resident of Village - Raghapur, P.S.- Raghapur, District - Supaul,
Bihar - 852111

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Prakash Sahay

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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 S. Kamal P.S. Case No. 06 of 2022 registered for the alleged offences under Sections 120(b), 414 and 420 of the Indian Penal Code and Sections 30(A), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the recovery of 5117.76 liters of India made foreign liquor was made from a truck and co-accused driver and cleaner were arrested from the spot. The



apprehended co-accused named this petitioner who was to receive this consignment.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. There is nothing on record to show the connection of the petitioner with the seized liquor. The petitioner is neither the owner of the truck nor he is known to the co-accused person who allegedly took his name before the police. Charge sheet has been submitted in this case and the petitioner is in custody since 22.02.2022.

Learned APP opposes the prayer for bail of the petitioner submitting that the huge recovery has been shown and the same was meant from the petitioner.

Having regard to the submission made hereinabove and considering the fact that no recovery has been shown from conscious possession of the petitioner who was not apprehended from the spot and submission of charge sheet as well as 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 Special Judge Excise Court 2, Begusarai in connection with S. Kamal P.S. Case No. 06 of



2022, 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 a close relative of the petitioner.
- (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)

Gautam/-

U		T	
---	--	---	--

