

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28026 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- RAGHUNATHPUR District- Siwan

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Anirudh Turha, Son of hira Turha Resident of Village - Sagra, P.S.-
Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the

complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection

with Raghunathpur P.S. Case No.43 of 2022 instituted under

Section 30(a) of the Bihar Prohibition Excise Act.

The prosecution case, in short, is that the informant

received tip off that three persons are selling liquor at Sagra and

then informant conducted raid at the alleged place. Upon seeing

the police party, two persons managed to escape while one

person was caught by the informant. The apprehended persons

disclosed his name as Dharmraj Sah and he further disclosed the

names of those who escaped as Surendra Bhar and Anirudh



Turha. Upon search, there was recovery of 105 liter country-made liquor from the hut and motorcycle bearing registration no.UP57A-9108. Accordingly, seizure list was prepared and the FIR is lodged.

Learned counsel for the petitioner submits that the recovery/seizure has been made from the motorcycle and the hut and not from the conscious possession of the petitioner. He further submits that he was not present at the spot but his name has come in the confessional statement of Dharamraj Sah and on that basis he has been brought into the ambit of the judicial custody and is in jail since 24.04.2022 (as stated in para-13 of the bail application) despite the fact that he has no criminal antecedent.

Considering the fact that petitioner has no criminal antecedent, the recovery/seizure is from the motorcycle and the hut and not from the conscious possession of the petitioner and his name has been cropped up in the confession statement of Dharamraj Sah coupled with the fact that the charge-sheet stands submitted and is in jail since 24.04.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two



sureties of the like amount each in connection with Raghunathpur P.S. Case No.43 of 2022 to the satisfaction of learned Additional District & Sessions Judge-IIInd-cum-Special Judge (Excise), Siwan, subject to 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 cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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