

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27541 of 2022

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Sanjay Kumar @ Sanjay Mahto Son Of Subedar Mahto R/O Village- Lagma,
P.S.- Dumara, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari, Advocate

For the Opposite Party/s : Mr.Raj Kishore Singh

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 Runnisaaidpur P.S. Case No. 491 of 2020 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a), 38(i)(ii) and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the recovery of 2962.710 liters of illicit liquor was made from a number of vehicles as well as from the house of co-accused Manoj Prasad. The petitioner has been found involved in this case on the basis of confessional



statement of co-accused Ujjwal Kumar Singh.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not arrested from the spot and has nothing to do with the seized vehicle or with co-accused Manoj Prasad and Ujjwal Kumar Singh, who have been granted bail by the Coordinate Bench vide order dated 21.10.2021 passed in Cr. Misc. No. 29218/2021. Further, another co-accused Umesh Kumar has also been granted bail by another Coordinate Bench vide order dated 31.05.2022 passed in Cr. Misc. No. 65058/2021. Charge sheet has been submitted in this case and the petitioner is in custody since 11.03.2022.

Learned APP opposes the prayer for bail of the petitioner submitting that huge quantity of liquor has been recovered. The petitioner's involvement has come into the picture in confessional statement of co-accused and the petitioner is also having criminal antecedent.

Having regard to the submission made hereinabove and considering the fact that no recovery has been shown from this petitioner and his implication is based on statement of the co-accused and also considering the 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 Exclusive Special Excise Court-I, Sitamarhi in connection with Runnisaidpur P.S. Case No. 491 of 2020, 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)

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