

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32166 of 2022

Arising Out of PS. Case No.-377 Year-2021 Thana- MADANPUR District- Aurangabad

Satyendra Kumar @ Satyendra Ram @satyendra Das, Son of Mundar Das,
Resident of Village - Budhaul, P.S.- Amas, Distt.- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Madanpur P.S. Case No. 377 of 2021 registered for the alleged offences under Sections 420, 467, 468, 471, 413 and 314 of the Indian Penal Code and Sections 30(a) and 33 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret information about three persons transporting illicit liquor on a stolen motorcycle and the said motorcycle was intercepted and three co-accused persons were apprehended. One of the co-



accused persons named this petitioner who was involved in illicit trade of liquor along with other co-accused persons. At the instance of the co-accused, total 490 litres of spirit was recovered from the house of another co-accused.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been named in this case only on the basis of confessional statement of co-accused Anshu @ Golu Kumar but he has no concern with the said co-accused or the spirit recovered at his instance. The petitioner is in custody since 28.03.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the co-accused named this petitioner for being involved in the illicit trade of liquor. The petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet along with his period of custody, 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 Excise Judge- I, Aurangabad (Bihar), in connection with Madanpur P.S. Case No. 377 of 2021, 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 the deponent, who has sworn the affidavit.
- (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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