

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30115 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- DARIYAPUR District- Saran

1. BITTU KUMAR Son of Mundrika Manjhi Resident of Village - Latarahiya, P.s.- Parsa, Distt.- Saran , Bihar.
2. Amarjit Kumar Son of Shankar Sah Resident of Village - Latarahiya, P.s.- Parsa, Distt.- Saran , Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioners seek bail in
connection with Dariyapur P.S. Case No. 171 of 2022 registered
for the alleged offences under Sections 30, 30(a), 30(b), 33 and
41 of the Bihar Prohibition and Excise Act.

The prosecution case is that on secret information that
some traders of illicit liquor were operating manufacturing unit
of illicit liquor in *Chakjalal Hardiya Chawar*, the police



conducted a raid and from the spot, 13 persons were apprehended and two persons escaped from there. The petitioners are two of the apprehended persons. Further, from the spot, 400 liters of country made liquor and five motorcycle were recovered and further from each motorcycle, 10 liters of country made liquor was seized.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case and they have no involvement in any sale, purchase, transport and manufacturing of liquor. Further nothing has been recovered from conscious possession of the petitioners. The charge sheet has been submitted in this case and the petitioners are in custody since 01.04.2022. The co-accused person, namely, Kuber Rai has been granted bail by this Court in Cr. Misc. No. 27879 of 2022 and other co-accused persons namely, Bijendra Rai and Shivcharan Rai have also been granted bail by this Court in Cr. Misc No. 27147 of 2022.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and further considering the fact that co-



accused have been granted bail and also considering the period of custody of the petitioners, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 171 of 2022, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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