

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33497 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- DANAPUR District- Patna

Ganga Kumar, S/o Late Praduman Ray, Resident of Chitrakut Nagar, Road
No.-11B, P.S.- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the wife of the petitioner is pregnant of about six months and she needs proper care and there is none to look after.

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 Special Case No. 430 of 2022, arising out of Danapur P.S. Case No.176 of 2022, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and



Excise Act.

Allegedly, total 99 liters of India made foreign liquor was recovered from the vehicle being driven by the petitioner.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The vehicle with liquor was seized in abandoned condition a day before the institution of the FIR, later on, the informant falsely inserted the name of the petitioner as an accused. In fact, the petitioner was not apprehended from the spot and the same could be verified by the CCTV footage. The charge sheet has been submitted in this case and the petitioner is in custody since 12.03.2022.

Learned APP opposes the prayer for bail submitting that the recovery has been made from the possession of the petitioner and the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he 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, Danapur, Patna in connection with Danapur P.S. Case No. 176 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 Vicky Kumar, elder brother of the petitioner, who has sworn the affidavit in this case.

(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)

V.K.Pandey/-

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