

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36154 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

Ashok Lal, S/O Ram Pravesh Lal, Resident of Udwant Nagar, Mahto- Tola,
P.S.- Udwant Nagar, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Pratap, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

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 petitioner seeks bail in
connection with Ramkrishna Nagar P.S. Case No. 189 of 2022
registered for the alleged offences under Section 30 (a) of the
Bihar Prohibition and Excise Act.

As per the prosecution case, on receiving information
about illicit trade of liquor from a certain place, a raid was
conducted and total 555.5 litres of country made liquor was
recovered. The petitioner along with two other co-accused
persons were arrested from the spot.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he has nothing to do with the place from which recovery has been made or with the recovered contraband. Nothing has been recovered from the conscious possession of this petitioner and he has got no connection with other co-accused persons. Moreover, recovery has been made from an open field and liability cannot be fastened on the petitioner. The petitioner is a daily wage earner and he became victim of the aforesaid circumstances. The petitioner is in custody since 23.04.2022 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the recovery from an open field not belonging to this petitioner and also considering the submission of charge sheet and the period of his custody, the petitioner 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 Judge, Excise, Patna, in connection with Krishnanagar P.S. Case No. 189 of 2022, subject to the conditions mentioned in Section 437 (3) of the



Code of Criminal Procedure and also 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

