

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36834 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- KAJRA District- Lakhisarai

Prakash Kora @ Sanoj Kora @ Prakash Koda, S/o- Madhu Kora, R/o Village - Pipra Tola, Sri Kishun Korasi, P.S.- Kajra, District - Lakhisarai, at present R/o Village - Sri Kishun Korasi, Pachhiyari Tola, P.S.- Kajra, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sunil 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 Kajra P.S. Case No. 106 of 2021 registered for the alleged offences under Sections 30(a), (b), (c) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received secret information about petitioner and other co-accused manufacturing illicit liquor in their house and a raid was conducted and about 150 litres of country made mahua liquor



and 700 litres of fermented mahua raw material were recovered. In the same transaction further recovery of 180 litres of country made liquor was also made from different co-accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has no concern with the seized liquor or raw material. The place of occurrence is a joint family property and the petitioner has no concern with it. There has been no compliance of Section 100 of Cr.P.C. Learned counsel further submits that nothing was recovered from his conscious possession and no specific allegation has been attributed against him. The petitioner is in custody since 28.04.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and three cases pending against him.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and further considering the submission of charge 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 Additional District and Sessions Judge-V-cum-Exclusive Special Excise Judge, Court No.-2, Lakhisarai in connection with Kajra P.S. Case No. 106 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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