

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36615 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- AMBA District- Aurangabad

Jeetu Bhuiyan Son Of Mungeshwar Bhuiyan R/O- Vill- Belai, P.S.- Amba
Dist.- Auranabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, 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 virtual court proceeding.

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 Amba P.S. Case No. 102 of 2022 registered for the alleged offences under Section 30(a)/c of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, a raid was conducted on the house of the petitioner on receipt of secret information about storage of illicit country made liquor by him. When the raid was being conducted, the petitioner tried to escape with one liter country made *mahua chulai* liquor. Further, from his house on



search apart from 7 Kg *mahua flower*, 80 liters fermented *mahua* was also recovered.

Learned counsel for the petitioner submits that there has been no compliance of the provisions of search and seizure at the time of making the recovery. The petitioner was not present in the house when the raid was conducted and he was arrested outside his house. The petitioner is a farmer and feeds *mahua flower* to his animals. No instrument has been found for preparation of illegal liquor. Charge sheet has been submitted in this case and the petitioner is in custody since 24.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended with illicit country made liquor and he is having one criminal case of similar nature pending against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of recovery from this petitioner 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 Judge Excise 1st Aurangabad (Bihar) in connection with Amba P.S. Case No. 102 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 a close relative of the petitioner.
- (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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