

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36826 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- PATEPUR District- Vaishali

Shambhu Panjiyar Son Of Ganeshi Panjiyar @ Ganesh Das R/O Village-
Bhagwanpur Kaiju , P.S- Patepur , Dist- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, 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 Patepur P.S. Case No. 18 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, from the back side of the house of the petitioner, 39.06 liters of India made foreign liquor was recovered which was concealed under husk. The petitioner escaped from the spot.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of this petitioner. The recovery was not even made from the house of the petitioner. The petitioner is in custody since 06.05.2022 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent.

Having regard to the submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and also considering the submission of 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 1st Exclusive Special Excise Court 2nd Additional District and Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 18 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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