

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39814 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

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Vinay Nat @ Ginay Nat, Son of Nanda Nat, Resident of village - Bishrampur,
P.S.- Sasaram (Muffasil), Dist.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 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 Sasaram (Muffasil) P.S. Case No. 335 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Sections 25(1-b)a and 26 of the Arms Act.

As per prosecution case, a raid was conducted on the house of the petitioner and from his house total 62.3 litres of India made foreign liquor as well as country made liquor were recovered. An old country made rifle was also recovered from



the house of the petitioner, who fled away from his house when the raid was being conducted.

The learned counsel for 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. There is complete violation of provisions of Section 100 of Cr.P.C. Though recovery has been shown of an old rifle, no cartridges were recovered so it was a useless weapon. There is no cogent material to connect the petitioner with the seized article. The petitioner is in custody since 26.03.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and further considering the clean antecedent 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 Additional District and Sessions Judge-XIII-cum-Exclusive Special Excise Court-II,



Sassaram, Rohtas, in connection with Sasaram (Muffasi) P.S.
Case No. 335 of 2021, 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 the deponent, who
has sworn the affidavit.

(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.

(Arun Kumar Jha, J)

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