

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44527 of 2022

Arising Out of PS. Case No.-438 Year-2021 Thana- TRIVENIGANJ District- Supaul

Chotu Kumar @ Chhetu Kumar @ Chhotu Kumar @ Manibhushan Kumar
Yadav, Son Of Suraj Yadav @ Surya Narayan Yadav, R/O Village- Kasha,
Tola- Latauna, Ward No.-2, P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 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.

In the present case, the petitioner seeks bail in
connection with Triveniganj P.S. Case No. 438 of 2021
registered for the alleged offences under Section 290 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

Allegedly, total 121.14 litres of India made foreign
liquor was recovered from the house of the co-accused. The co-
accused who was apprehended from the spot, disclosed the
name of the petitioner for being involved in the manufacture and



sale of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The co-accused confessed the name of the petitioner before the police who is on inimical term with this petitioner. The petitioner is in custody since 22.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has been made accused in one other case of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further 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 Sessions Judge-2nd-cum-Special Judge, Excise, Supaul in connection with Triveniganj P.S. Case No. 438 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 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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