

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43117 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- BARHARA District- Bhojpur

INDAL KUMAR S/o Late Kusan Yadav @ Kushi Yadav R/o village- Gundi,
P.S.- Krishnagarh, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 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 Barhara P.S. Case No. 211 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, 100 liters of country made *mahua* liquor was recovered from the motorcycle of the petitioner who was apprehended from the spot.

Learned counsel for the petitioner submits that no occurrence as alleged has ever taken place. The petitioner is



innocent and has been falsely implicated in this case. The motorcycle from which recovery is said to be made does not belong to this petitioner. Due to some altercation, police arrested him showing him as an accused. Charge sheet has been submitted in this case and the petitioner is in custody since 18.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and he is accused in three similar cases.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner, 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 Exclusive Court No. 1st Bhojpur at Ara in connection with Barhara P.S. Case No. 211 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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