

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42907 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- KARAKAT District- Rohtas

Sripati Yadav @ Sripati Singh @ Sripati Singh Yadav, S/o Late Keshwar Singh, R/o village- Kirhi, P.S.- Karakat, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate
For the Opposite Party/s : Md. Aslam Ansari, 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 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 Karakat P.S. Case No. 149 of 2021 registered for the alleged offences under Sections 30(a), 33, 36 and 38 of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, police received secret information about manufacturing of illicit liquor by co-accused Rakesh Paswan. A raid was conducted and three persons escaped from that place. Petitioner is stated to be one of the



escaped persons. On search, a country made pistol, one live cartridge, 105 empty bottles along with its cap, 80 litres of spirit, 50 litres of country made mahua liquor, 24 litres of country made liquor and stickers of different brand were recovered from that place.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. It is apparent from the FIR that the petitioner was named by the local *Chowkidar* who is not in good terms with the petitioner. The petitioner has no concern with the allegedly recovered articles. The petitioner was not even present at the place of occurrence and all the recovery has been made from the courtyard of co-accused Rakesh Paswan. The petitioner is in custody since 21.05.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner fled away from the spot.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner who 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 2nd Additional Sessions Judge-cum-Exclusive Special Excise Court-1, Rohtas at Sasaram in connection with Karakat P.S. Case No. 149 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 a close relative of the petitioner.
- (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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