

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46969 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Sunil Patel, Son of Late Nandi Patel, Resident Of Village- Siswan Bazar,
Police Station- Siswan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Excise P.S. Case No. 19 of 2022 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, recovery of 151.400 litres of
country made liquor was made from a dilapidated house. On
seeing the raiding party, two persons tried to flee away out of
which one Surendra Patel was apprehended, who disclosed the
name of this petitioner.



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. Nothing incriminating has been recovered from his conscious possession and he has no concern with the allegedly recovered illicit liquor. The place from where the recovery has been shown is an open place and is accessible to all so no liability could be fastened to this petitioner. The petitioner is in custody since 10.06.2022 and the prosecution report 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 no recovery has been shown from this petitioner and further considering the clean antecedent of the petitioner along with his period of custody and submission of prosecution report, 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 Excise Court No.2, Siwan in connection with Excise P.S. Case No. 19 of 2022, 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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