

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47383 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- BEUR District- Patna

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Somnath, S/o Late Bimlesh Kumar @ Bimalesh Kumar, R/o Road No.7,
Vrindavan Colony, P.s.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manohar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, 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 Special case No. 1361 of 2022 arising out of
Beur P.S. Case No. 107 of 2022 registered for the alleged
offences under and Sections 30(a), 33 and 34(iv) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 572.940 litres of
India made foreign liquor was made from two vehicles. The
petitioner was apprehended along with two co-accused persons
from the spot.

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 and he has no concern either with the apprehended co-accused persons or the allegedly recovered illicit liquor. The vehicles from which the recovery has been shown do not belong to this petitioner. The petitioner is in custody since 07.03.2022 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 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 charge-sheet, 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, Patna Sadar in connection with Special Case No. 1361 of 2022 arising out of Beur P.S. Case No. 107 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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