

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47130 of 2022

Arising Out of PS. Case No.-390 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

Aryan Kumar @ Sikki, Son of Sunedar Prasad @ Surendra Singh, R/v-
Brahampur, Devi Ashthan P.S- Ramkrishnanagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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. 7387 of 2020 arising out of
Ram Krishna Nagar P.S. Case No. 390 of 2020 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, total 103.38 litres of country
made foreign liquor was recovered from two cars. Petitioner is
said to have fled from the spot.

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 and he has no concern with the allegedly recovered illicit liquor. Petitioner is not the owner of any of the cars from which the recovery has been made. The petitioner is in custody since 18.07.2022 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 on behalf of the parties and considering the fact that the recovery has not 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 Judge Excise, Patna in connection with Special Case No. 7387 of 2020 arising out of Ram Krishna Nagar P.S. Case No. 390 of 2020, 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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