

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47138 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- AMBA District- Aurangabad

Dayanand Kumar, Son Of Kailash Prasad, R/O Village- Dubba, P.S.- Gurua,
District- Gaya

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Sharan, Advocate
		Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, 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 General Registration No. 750 of 2022 arising
out of Amba P.S. Case No. 164 of 2022 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, total recovery of 302.22
litres of country made liquor was made from Mahindra Xylo
vehicle and the petitioner is alleged to have fled away from the
vehicle and was apprehended after chase.



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. The petitioner is neither the owner of the vehicle nor the liquor belongs to him. He was arrested on suspicion when he was returning after attending a feast (*bhoj*). The petitioner is in custody since 18.07.2022 and is having clean antecedent. Charge-sheet has been submitted against him.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the period of custody along with his clean antecedent and the 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, First, Aurangabad in connection with General Registration No. 750 of 2022 arising out of Amba P.S. Case No. 164 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and 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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