

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47353 of 2022

Arising Out of PS. Case No.-437 Year-2021 Thana- FATUA District- Patna

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Sikandar Kumar @ Sikandar Prasad, Son of Late Jaglal Ray, Resident of
Village - Bhagwanpur, Dewarsaukhi, P.S.- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100), 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 Fatuha P.S. Case No. 437 of 2021 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition and
Excise Act.

Allegedly, the recovery of 40 litres of country made
liquor was made from the bathroom of a school. The names of the
petitioner and co-accused were disclosed by the local people as the
person who kept the liquor in the school.

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 has no concern with the allegedly recovered illicit liquor. Except for suspicion nothing has come on record against this petitioner. The petitioner was arrested in this case merely on the basis of statement of local people. The petitioner is in custody since 25.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the recovery has not been shown from this petitioner and the petitioner was not apprehended from the spot and further 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 Special Judge Excise, Patna City in connection with Fatuha P.S. Case No. 437 of 2021 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already



framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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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