

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48553 of 2022

Arising Out of PS. Case No.-309 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

Kamta Singh S/o Bikarma Singh Resident of Village- Wajirganj, P.S.-
Sasaram (M), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, 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 Sasaram (Muffasil) P.S. Case No. 309 of 2020
registered for the alleged offences under Sections 272, 467, 468,
471 and 34 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information that the petitioner and other co-accused person were
preparing illegal country made liquor from spirit by employing 5-7
labourers in the government bore well room. A raid was conducted
at the spot. After seeing the police, the petitioner and other co-



accused person fled away from the spot. On search being made by the police, total 176.400 liters of illicit Crazy Romeo wine, 40 liters of crude spirit, 400 pieces of empty bottles of 180 ml, 400 pieces of cork and wrappers and 500 gm. of synthetic colour were recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case only on the basis of suspicion. The petitioner was not apprehended from the spot and no recovery has been made from the conscious possession of this petitioner. Learned counsel further submits that the place from where recovery has been made does not belong to this petitioner. Similarly placed co-accused Ankit Kumar has been granted bail vide order dated 18.05.2022 passed in Cr. Misc. No. 2400 of 2022 by a Coordinate Bench. Charge sheet has been submitted in this case and the petitioner is in custody since 26.06.2022. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his possession and also considering the submission of charge sheet along with period of custody of the



petitioner and his clean antecedent, 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 Exclusive Special Excise Judge, Court No. 2, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 309 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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