

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48319 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- DHAKA District- East Champaran

Rakesh Kumar @ Bhutan Sah @ Bhuta Sah Son of Late Ramdeo Sah R/V-
Pachapakari, PS- Dhaka (Pachpakadi O.P), Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate Mr. Sharad Kumar Verma, Advocate Ms. Rashmi Jha, Advocate
For the Opposite Party/s :		Mr.Bharat Lal, 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 Dhaka P.S. Case No. 46 of 2022 registered for
the alleged offences under Section 30(a) and 41(i) of the Bihar
Prohibition and Excise Act.

As per prosecution case, police received secret
information that the petitioner has concealed Nepali liquor in
the haystack of one Satyanarayan Sah. Police reached there and
the petitioner fled away from the spot after seeing the police
party. On search, 414 liters of Nepali liquor was recovered from



the haystack of Satyanarayan Sah.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery has been made from the conscious possession of this petitioner. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Allegedly seized liquor was recovered from the straw heap of Satyanarayan Sah. The petitioner has no concern with the heap of straw or the seized liquor and the name of the petitioner transpired in this case without any cogent evidence or material. Charge sheet has been submitted in this case and the petitioner is in custody since 31.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that he has got criminal antecedent.

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 him and also considering the submission of charge sheet along with period of custody of the petitioner, 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 Court No. 1, Motihari, East Champaran, in connection with Dhaka P.S. Case No. 46 of 2022, 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)

Gautam/Daya

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