

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49447 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- CHACKMEHSI District- Samastipur

Rakesh Kumar, S/o Bholu Mahto, Resident of Village- Somnaha, Ward No.-9,
P.S.- Chakmehsi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Chakmehsi P.S. Case No. 182 of 2021 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

Allegedly, 1353.750 liters of India made foreign liquor was recovered from a pick up van. During investigation, the name of the petitioner surfaced as the owner of the said vehicle in the confessional statement of co-accused Chandan Kumar Keshri.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and



nothing incriminating has been recovered from his conscious possession. The petitioner has nothing to do with the recovered liquor. Though the petitioner has purchased the said van from the co-accused Chandan Kumar Keshri, but the said van has not been handed over to the petitioner. The charge sheet has been submitted in this case. The petitioner is in custody since 07.08.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Court-1, Samastipur, in connection with Chakmehsi P.S. Case No. 182 of 2021, 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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