

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50710 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

Sheru Singh @ Sher Bahadur Singh, Son of Bhuar Singh, Resident of village
- Lahthan, P.S.- Agion Bazar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, 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 Agion Bazar P.S. Case No. 53 of 2021
registered for the alleged offences under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of 410.76 liters of
India made foreign liquor was made from the house and granary
of the co-accused Pintu Chaudhary. Allegedly, it was the
petitioner and other co-accused persons who brought the illicit
liquor which was kept hidden with the co-accused Pintu
Chaudhary.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the petitioner was not arrested from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has got no concern with the co-accused Pintu Chaudhary from whom recovery has been shown. The petitioner is resident of other village. The co-accused person from whom recovery has been made, has been granted bail by a Co-ordinate Bench vide order dated 20.05.2022 passed in Criminal Misc. No. 68010 of 2021. The petitioner is in custody since 28.02.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions 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 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 bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Bhojpur Ara, in connection with Agion Bazar P.S. Case No. 53 of 2021, subject to the conditions



mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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