

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51340 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Ashok Rai, Son Of Chanarik Rai, Resident Of Kila Road, Kila Ghat, P.S.-
Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, 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), 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 Chowk P.S. Case No. 100 of 2021 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret
information about petitioner bringing illicit liquor on a boat. A
raid was conducted and the petitioner fled away from the spot
leaving behind illicit liquor and recovery of 90 litres of country
made liquor was made from the spot.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the allegedly seized liquor. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 09.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and a large number of cases are pending against him.

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 also considering the period of custody of the petitioner along with submission of charge-sheet, 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, Patna in connection with Chowk P.S. Case No. 100 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.

(Arun Kumar Jha, J)

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