

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51529 of 2022**

Arising Out of PS. Case No.-36 Year-2013 Thana- CHARPOKHARI District- Bhojpur

Sriram Singh @ Jhalar Singh @ Jhalak Singh Son Of Late Sonadhari Singh
R/O Village- Akhoda, P.O.- Berath, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 Charpokhari P.S. Case No. 36 of 2013
registered for the alleged offences under Sections 272 and 273
of the Indian Penal Code and under Section 47 (A) of the excise
Act.

As per prosecution case, police received information
about manufacturing and selling of the illicit liquor on the bank
of river Banas. A raid was conducted and 4-5 persons fled away
from the spot on seeing the police. From the place of
occurrence, 220 liters of illicit country made *mahua* liquor was

recovered apart from 5 kg urea fertilizer and 15 kg of *mahua*. The name of the petitioner transpired during investigation as one of the accused persons who escaped from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery has been made from an open place and petitioner has got no concern with it. The petitioner was not put to any Test Identification Parade. Charge sheet has been submitted in this case and the petitioner is in custody since 30.07.2022. The petitioner has got clean antecedent.

Learned A.P.P. 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 him 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 Court No.-1st, Bhojpur, Ara in connection with Charpokhari P.S. Case No. 36 of 2013, 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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