

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51639 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

Prince Kumar @ Laddu, Son of Manoj Rai, Resident Of Village- Chakhaji,
P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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 Bochahan P.S. Case No. 322 of 2021 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 189.99 litres of India
made foreign liquor was made from the cow shed of co-accused
Kanhaiya Kumar and five co-accused persons were apprehended
from the spot. The name of the petitioner was disclosed as one of the
customers of the liquor recovered by the police.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He has been named in this case by the co-accused persons due to previous grudge. The petitioner has no concern with the allegedly seized articles. The petitioner is in custody since 13.07.2022 and the 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 his period of custody and 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 Exclusive Special, Excise Court No.1, Muzaffarpur in connection with Bochahan P.S. Case No. 322 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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