

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52897 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Vimal Das @ Bimal Das @ Bimal Kumar, S/o Late Budhan Das, R/o village-
Gopalpur, Ward No. 10, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Indu Kumari Srivastava, A.P.P.

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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 Excise P.S. Case No. 218 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information about petitioner doing business of illicit liquor. A
raid was conducted on his house and recovery of 903.240 liters
of India made foreign liquor was made from the house of the
petitioner. The petitioner fled away from the spot during the

raid.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and he has no concern with the seized liquor. The recovery has been made from a joint house. There are no independent witnesses to search and seizure and all the witnesses are officials. Prosecution report has been submitted in this case and the petitioner is in custody since 18.08.2022. 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 submission made and considering the submission of prosecution report 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 Special Judge, Excise Court-02, Samastipur in connection with Excise P.S. Case No. 218 of 2022, 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)

Gautam/daya

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