

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 62899 of 2021**

Arising Out of PS. Case No.-244 Year-2021 Thana- SIRDALA District- Nawada

HEMRAJ BHOKTA S/O LATE CHANDO BHOKTA R/o village- Hemja
Bharat, P.S.- Sirdala, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **30-05-2022** Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Sirdala Police Station (for
brevity, *PS*) Case No 244 of 2021 registered for the offence
punishable under Sections 30 (a), (d), 41 of Bihar Prohibition
and Excise Act.

One Vijay Das gave his statement in connection with
Sirdala PS Case No 243 of 2021, based on which a police party
has come to the place where allegedly illicit liquor was being
manufactured. 70 liters of country made Mahua liquor, 5
Kilograms of dry Mahua and 1000 liters of Jawa Mahua was
found at the place which, as per intimation given by local



villagers, was being run by the petitioner.

Petitioner's counsel submits that there is no compliance with Section 100 of Criminal Procedure Code in respect of the alleged recovery. His implication is based on statement of local villagers and Chaukidar and even as per prosecution case, he was not arrested at the place of recovery. He has one criminal antecedent, as per disclosure made in paragraph 3 of the petition and he is on bail in the said case. The investigation, in the instant case, is complete and further custody does not serve any purpose. He is in custody since 01.07.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Nawada in Sirdala PS Case No 244 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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