

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53921 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

Wakil Mushar, Son of Sukha Mushar, Resident of Village - Ramgarh (Mushar Toli), P.S.- Ramgarh, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Ramgarh P.S. Case No. 265 of 2022 registered for the alleged offences under Sections 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, on the basis of secret information, the house of the petitioner was raided and recovery of 5 liters of country made liquor was made from the spot and the petitioner was apprehended.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of this petitioner. The petitioner is in



custody since 26.07.2022 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.

Having regard to facts and circumstances and submissions made on behalf of the parties and considering the quantity of liquor recovered and further considering the period of custody of the petitioner along with the submission of charge sheet, he 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 Additional Sessions Judge-VII-cum-Special Judge, Excise-II, Kaimur at Bhabua, in connection with Ramgarh P.S. Case No. 265 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)

V.K.Pandey/-

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