

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57086 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

ANISH KUMAR, S/o Sitaram Singh R/o village- Maksudpur, Chapra
Mubarak, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Ahiyapur P.S. Case No. 60 of 2021 registered for
the alleged offences under Sections 272, 273, 420, 467, 468, 471 and
34 of the Indian Penal Code and under Sections 30(a), 36 and 41 of
the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of 1782.16 liters of
India made foreign liquor was made from two cars and a motorcycle.
Seven co-accused persons were apprehended from the spot. These
co-accused persons disclosed the name of the petitioner along with
other co-accused persons for being involved in this illicit trade of
liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the truck or the cars or the motorcycle. The name of the petitioner along with 20 other person has been disclosed by co-accused Mahendra Chandra Sharma in his statement before the police. Though seven persons were apprehended from the spot but only one of them disclosed the name of 21 other accused persons which seems highly improbable. The co-accused Mahendra Chandra Sharma has been granted bail vide order dated 14.09.2021 passed in Cr. Misc. No. 35708 of 2021 by a Coordinate Bench. Charge sheet has been submitted in this case and the petitioner is in custody since 06.08.2022. 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 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 the conscious possession of the petitioner 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 Judge, Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 60 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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