

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56898 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Raju Nut Son Of Late Dhuna Khalifa @ Dhuna Nut, Resident of Village-
Porain, Masti Chak, P.S.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

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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 Excise Case No. C III 169 of 2021 (Excise CIII-
169 of 2021) registered for the alleged offences under Section
30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

As per prosecution case, recovery of 202.500 liters
of India made foreign liquor was made from a tempo being
driven by co-accused driver Shrawan Kumar. This co-accused
disclosed the name of the petitioner as the person to whom the

co-accused was to supply the seized liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The story made against the petitioner in the F.I.R. is not sustainable. The co-accused in order to save his skin has made the petitioner accused in this case on behalf of the enemy of the petitioner. The tempo in question does not belong to this petitioner and even the driver is not known to the petitioner. It is a case of police high-handedness. Charge sheet has been submitted in this case and the petitioner is in custody since 10.12.2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got two criminal antecedent of serious nature.

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 conscious possession of the petitioner and also considering the submission of charge sheet along with period of custody of the petitioner, 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 A.D.J. Special Excise Court-2, Siwan in connection with Excise Case No. C III 169 of 2021 (Excise CIII-169/ 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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