

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54969 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Jaikant Rai S/o Sajivan Rai, R/o village- Baglodan Gali, P.S.- Chouk, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, 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 Chouk P.S. Case No. 190 of 2022 registered for
the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, the police started conducting
raid at the house of petitioner for recovery of illicit liquor and in
course thereof they received tip off about concealment of India
made foreign liquor in a public convenience premises near the
house of this petitioner. Recovery of 74.34 liters of India made
foreign liquor was made from the said place and the police



named this petitioner, who was in jail, as the person at whose instance illicit liquor was kept at the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the F.I.R. it is apparent that the police case is false and fabricated. The petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession. The petitioner has nothing to do at the place from where recovery has been made. Moreover, it is an open place and accessible by all. The petitioner is in custody since 17.05.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is an accused in altogether 28 cases of similar nature and he is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the implication of the petitioner appears to be farfetched and further considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail



bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Excise Act, Nawada in connection with Akbarpur P.S. Case No. 487 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for 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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