

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56468 of 2022

Arising Out of PS. Case No.-449 Year-2022 Thana- SHEKHPURA District- Sheikhpura

PRINCE KUMAR, Son of Binod Singh @ Binod Kumar, Resident of village
- Nimi, P.S.- Sheikhopur Sarai, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shilpi Keshri, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned APP
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 Sheikhpura P.S. Case No. 449 of 2022 Excise Case
No. 394 of 2022 registered for the alleged offences under Sections
30(a), 32 and 41 of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per prosecution case, police received secret
information about transportation of illicit liquor by two miscreants.
A raid was conducted and from the seized vehicles total 176.325
liters of illicit foreign made liquor was recovered. The petitioner is
stated to be the intended recipient of the consignment but was not
apprehended from the spot.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with any of the recovered articles and nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner was not apprehended from the spot rather he was named by the co-accused who were arrested and they stated that another co-accused asked them to supply the liquor to the petitioner. However, the petitioner has no concern with this transaction and he was not aware about the same. Charge sheet has been submitted in this case and the petitioner is in custody since 12.08.2022. Other similarly placed co-accused persons have been granted regular bail and anticipatory bail by this court vide order dated 30.09.2022 passed in Cr. Misc. No. 51193 of 2022, vide order dated 30.09.2022 passed in Cr. Misc. No. 50668 of 2022, vide order dated 30.09.2022 passed in Cr. Misc. No. 50423 of 2022 and vide order dated 18.10.2022 passed in Cr. Misc. No. 54547 of 2022, respectively.

Learned APP 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 him 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 Exclusive Special Excise Judge, Sheikhpura in connection with Excise Case No. 394 of 2022 arising out of Shekhpura P.S. Case No. 449 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)

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