

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66186 of 2021**

Arising Out of PS. Case No.-331 Year-2021 Thana- JOKIHAT District- Araria

Rabis Tatma @ Rabis Kumar Tatma S/o- Laxman Tatma Resident of Village-
Dhanpura, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 11-05-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Jokihat P.S. Case No.331 of 2021 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story on secret information the shop of accused Manoj Yadav was raided and 110.715 liters liquor and 46 bottles of 100 ml. Codin cough syrup was seized/recovered. The owner Manoj Yadav and the petitioner herein who claims to be his employee were arrested.

Learned counsel for the petitioner submits that he had nothing to do with the materials seized inasmuch as he was simply an employee in that shop and has no knowledge about that presence of liquor and Codin cough syrup in the shop. He further submits that he has no criminal antecedent, is in jail since 12.07.2021 (as stated in para-10 of the bail application).



He further submits that co-accused Manoj Yadad has since been released on bail vide Cr. Misc. No.56993 of 2021 by a co-ordinate Bench of this Court on 29.03.2022.

Considering the aforesaid fact that charge-sheet has been submitted, he does not have criminal antecedent and is in jail since 12.07.2021 this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent (contrary to what has been stated in para-3 of the bail application), this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Jokihat P.S. Case No.331 of 2021 to the satisfaction of learned Second Additional Sessions Judge-cum-Special Judge, Araria, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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