

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60302 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- TILAUTHU District- Rohtas

=====

Julfikar Ali, Son of Ishlam Ansai, R/V- Kodar, P.S- Tilouthu, Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, 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 Tilouthu P.S. Case No. 164 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, police received information
about co-accused persons bringing illicit liquor and selling it at
the banks of a river. The identified place was raided. The
petitioner was found carrying a sack on his head and two
persons were standing there who fled away on seeing the
police. The petitioner carrying the sack was apprehended when



he tried to escape after leaving the sack and from this sack, 90 litres of country made liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The recovery has been shown near Budha Budhi Ghat on the edge of Soan river and the petitioner has no knowledge about the seized contraband. The petitioner is a boatman and the police party apprehended him near the bank of Soan River. Seizure list does not contain signature or thumb impression of the petitioner. There is complete violation of the provisions of Section 100(4) of the Cr.P.C. and the witnesses on the seizure list are all police personnel. The petitioner is in custody since 05.07.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, 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 Exclusive Special Excise Court No.-2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Tilouthu P.S. Case No. 164 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)

balmukund/-

U		T	
---	--	---	--

