

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57084 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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ASHUTOSH ANAND, S/o Sriram Prasad, R/o Ward no. -11, Ratan Chauk,
Sonapatti, P.S.- Sitamarhi(Town), Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Rita Verma, 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 Sitamarhi Excise P.S. Case No. 71 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Excise and Prohibition Act, 2016.

As per prosecution case, recovery of 94.605 liters of
India made foreign liquor was made from a lavatory of the
petitioner situated behind his house. The petitioner was
apprehended from the spot.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. There is no recovery of any liquor from the conscious possession of this petitioner. Rather, the recovery was made from the toilet built behind the house of the petitioner with which the petitioner has no concern. The seizure list has been prepared in contravention of Section 100 of the Cr.P.C. Charge sheet has been submitted in this case and the petitioner is in custody since 02.06.2022. The petitioner has got clean antecedent.

Learned A.P.P. 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 submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Special Judge, Exclusive Excise Court-II, Sitamarhi in connection with Excise P.S. Case No. 71 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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