

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55742 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Ashok Rai Son of Chanarik Rai R/o- Kila Road Kila Ghat P.S- Chowk, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Chowk P.S. Case No. 101 of 2021 registered for the alleged offences under Section 30 (A) of the Bihar Prohibition Act and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of total 14.64 litres of India made foreign liquor was made from a sack which was left behind by a motorcycle borne miscreants. On inquiry, police come to know that the seized liquor belong to the petitioner.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing



incriminating has been recovered from his person or possession. Learned counsel further submits that only on the saying of people it is very surprising that the petitioner has been named in this case. It is completely illegal and illogical. The petitioner is in custody since 05.08.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that petitioner has got criminal antecedent.

Having regard to the facts and circumstances and submissions 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 further considering the submission of charge-sheet and the 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 Special Judge Excise, Patna City, Patna in connection with Chowk P.S. Case No. 101 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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