

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56662 of 2022

Arising Out of PS. Case No.-217 Year-2020 Thana- SONBERSA District- Sitamarhi

Pappu Purvey @ Pappu Raut, Son of Badri Purve @ Badri Raut, Resident of
village - Bhutahi, P.S.- Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, 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), if any, 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 Sonbarsa P.S. Case No. 217 of 2020 registered
for the alleged offences under Section 414 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, recovery of 82.99 liters of
India made foreign liquor was made from a vehicle being driven
by co-accused Raushan Kumar, who was apprehended and
disclosed the name of the petitioner as the intended recipient of
the said liquor.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only on the basis of disclosure made by the arrested co-accused person. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has no concern with the seized liquor or the vehicle from which recovery has been made. The co-accused Raushan Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.08.2021 passed in Criminal Misc. No. 19265 of 2021 and another co-accused Mukesh Kumar @ Mukesh Raut has been granted anticipatory bail vide order dated 24.02.2022 passed in Criminal Misc. No. 27899 of 2021 by a Co-ordinate Bench of this Court. The petitioner is in custody since 08.07.2022 and charge-sheet has been submitted in this case.

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 submission of charge-sheet and the period of custody of the petitioner and also taking into account the fact that no recovery has been shown from the petitioner and he was not apprehended from the spot, he is directed to be released on bail on furnishing



bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 228 of 2022, 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 for 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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