

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55940 of 2022

Arising Out of PS. Case No.-269 Year-2022 Thana- KHAJEKALA District- Patna

1. Sanjay Kumar son of Rambabu Resident of Mohalla - Nababghat, P.S. - Khajekala, District - Patna.
2. Mohit Kumar Son of Ramnath Chaudhari resident of Mohalla - Khajekala Neemghat, P.S.- Khajekala, District - patna.
3. Monu Kumar Son of Dip Kumar @ Tena @ Tenu @ Tunna Prasad Resident of Mohalla - Nababghat, P.S.- Khajekala, District - patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate
For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioners 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 petitioners seek bail in
connection with Khajekala P.S. Case No. 269 of 2022
registered for the alleged offences under Section 30 (a) of the
Bihar Prohibition Act and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret
information about petitioner no.1 along with his two associates
bringing and storing huge quantity of liquor in the house of their



landlord. A raid was conducted, the petitioner no.1 and 2 were apprehended from the spot and petitioner no.3 fled away when the raid was being conducted. From the house, total 93 litres of Beer and 15.06 litres of foreign liquor were recovered.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are not the tenants of the person from whose house the recovery has been made. Nothing incriminating has been recovered from their conscious possession. The petitioner no.1 and 2 are in custody since 30.08.2022 and the petitioner no.3 is in custody since 31.08.2022, respectively. The petitioner no. 2 and 3 are having no criminal antecedent and the petitioner no.1 has one criminal antecedent and charge-sheet has been submitted.

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 their period of custody, the petitioners above named are 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



Khajekala P.S. Case No. 269 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 petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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