

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55944 of 2022

Arising Out of PS. Case No.-231 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

Tamatar Lal @ Tamatar Choudhary @ Matar Choudhary Son of Late Vijendra Choudhary Resident of Village - Wazirganj, P.S.- Sasaram (Muffasil), District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, 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 Sasaram (Muffasil) P.S. Case No. 231 of 2018
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 information
about the petitioner and other co-accused persons bringing and
storing illicit liquor and from an identified place belonging to
Arun Singh, recovery of 1468.800 litres of India made foreign
liquor was made.



The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Other co-accused persons have been granted anticipatory bail by different Co-ordinate Benches vide order dated 25.08.2020 passed in Cr. Misc. No. 22597 of 2022 and order dated 05.02.2019 passed in Cr. Misc. No. 6199 of 2019, respectively. The petitioner is in custody since 27.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal history.

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 period of custody of this petitioner along with the submission of charge-sheet, 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 Exclusive Special Judge, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 231 of 2018, 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.

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(Arun Kumar Jha, J)

