

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59698 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- BARHARA District- Bhojpur

Akshay Kumar @ Bhola Son Of Vijay Ram R/O Village- Jokhari, P.S.-
Barhara (KRISHANAGADH O.P.), Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Barhara (Krishanagardh O.P.) P.S. Case No.
244 of 2022 registered for the alleged offences under Sections
30 (a) and 36 of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per prosecution case, police received secret
information about the petitioner and other co-accused persons
selling illicit *mahua* liquor in a wheat field and a raid was
conducted and 100 litres of *mahua* liquor was recovered from
the spot.



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. There is no specific allegation against the petitioner and only allegation against the petitioner is that he along with others have concealed illicit liquor in a wheat field. The petitioner is in custody since 17.08.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering his period of custody along with the clean antecedent and further considering 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 Additional District and Sessions Judge-IX-cum-Exclusive Special Excise Court No.1st, Bhojpur at Ara in connection with Barhara (Krishanagardh O.P.) P.S. Case No. 244 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 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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