

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56687 of 2022

Arising Out of PS. Case No.-203 Year-2022 Thana- KOILWAR District- Bhojpur

Nirmal Rai, S/O Late Jhulan Rai, Resident Of Village- Mirapur, P.S.- Koilwar
(Gidha O.P.), District- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Koilwar (Gidha O.P.) P.S. Case No. 203 of
2022 registered for the alleged offences under Section 30 (a) of
the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about petitioner keeping illicit country made mahua
liquor in front of his house in an open land and raid was
conducted and recovery of 150 litres of illicit country made
liquor was made.

Learned counsel for the petitioner submits that the



petitioner is innocent as he was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. It is apparent from the FIR that the recovery has been made from an open field so the petitioner could not be fastened with liability of this recovery. The petitioner is in custody since 19.04.2022 and charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having a criminal antecedent and has got two cases pending against him which are of similar nature.

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 the petitioner along with the submission of charge sheet, he 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 Court of IInd Exclusive Special Excise Court, Bhojpur at Ara in connection with Koilwar (Gigha O.P.) P.S. Case No. 203 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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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