

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60107 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- DUMRA District- Sitamarhi

Raju Kumar, Son of Chandradev Mahto, Resident at- ward no 16, Kumhra Vishnupur, Hariharpur, Kumhra Bishunpur, Sitamarhi, P.S- Dumra, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Dumra P.S. Case No. 194 of 2021 registered for the alleged offences under Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about bringing of huge quantity of liquor by the co-accused persons and transportation and supply of the same by different vehicles by them. A raid was conducted at the identified place and a truck, a pick-up van and two bikes were found parked near an orchard. Police has apprehended two motorcycles riders, one person from a pick-up van and two persons



sitting in the box of the truck. From the vehicles seized, 2014.440 litres of India made foreign liquor was recovered. The name of the petitioner transpired during investigation for being involved in the illicit trade of liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do with the pick-up van or the motorcycle or the liquor seized by the police. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The name of the petitioner came up in the confessional statement of co-accused Chandan Kumar. The petitioner is in custody since 24.06.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and accused in three other cases of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and further considering the period of custody of the petitioner along with submission of charge-sheet against him, 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 Excise Court-I, Sitamarhi in connection with Dumra P.S. Case No. 194 of 2021, 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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