

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57821 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- SIKARPUR District- West Champaran

Raju Shah @ Raju Prasad, Son of Late Shambhu Jaiswal @ Late Sambhu Sah
@ Late Shambu Prasad, Resident of Village- Shrivastwa Colony, Ward No.1,
Narkatiyaganj, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, 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.

In the present case, the petitioner seeks bail in connection with Shikarpur P.S. Case No. 210 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information that illicit liquor was being unloaded at the house of co-accused Lalbabu Ram. A raid was conducted and the co-accused persons Lalbabu Ram and Nand Kishore Prasad were apprehended and recovery of 350.17 litres of India made foreign liquor was made. The apprehended co-accused persons named the petitioner along with two other co-accused persons as



intended recipients of the liquor.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 24.08.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact that 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 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 Judge Excise , Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 210 of 2021, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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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