

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59923 of 2022

Arising Out of PS. Case No.-566 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Sanjeev Gami @ Mukhiya Gami, Son of Nathuni Gami, Resident of Durga
Asthan, P.S.- Katihar (N), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kanhaiya Kishore, 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 Katihar Nagar P.S. Case No. 566 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 liquor in his house and selling it from the said place. A raid was conducted and the petitioner and his co-accused son were apprehended. From the house of the petitioner recovery of 3.625 litres of India made foreign liquor was made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from his conscious possession. The petitioner has been made accused in this case due to village politics and ulterior motive. Recovery has been made from a joint family house and there is no independent witnesses to the seizure list. The co-accused son of the petitioner was granted bail by the learned court below. The petitioner is in custody since 10.09.2022 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.

Having regard to the submissions made hereinabove and 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 Additional Sessions Judge, Excise Court No.2, Katihar in connection with Katihar Nagar P.S. Case No. 566 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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