

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59630 of 2022

Arising Out of PS. Case No.-377 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

Madan Gore Son of Late Manik Chandra Gore, Resident of village-
Dhaudarh, P.S- Sasaram (Muffasil), District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, 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), if any, 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 Sasaram (Muffasil) P.S. Case No. 377 of 2019
registered for the alleged offences under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the police received secret
information about concealment of huge quantity of illicit liquor
in bushes near *Chormanava Nala*. The petitioner and other co-
accused persons were said to be present at the place. When the
police reached at the identified place, all the accused persons
fled away from there and the petitioner is said to be one of them.



On search of the place, recovery of 5366.7 liters of India made foreign liquor was made.

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. It is clear from the F.I.R. that recovery has been made from an open place and the petitioner has got no concern with the allegedly seized liquor or with the place from where this recovery has been made. One of the co-accused persons, namely, Budhan Sah @ Sangram Sah @ Sangram has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 13.10.2020 passed in Criminal Misc. No. 25662 of 2020. The petitioner is in custody since 25.02.2021 and charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents in four cases 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 his conscious possession and



further considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2-cum-Additional District & Sessions Judge, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 377 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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