

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60105 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- MUFFASIL District- Aurangabad

Harendra Kumar, Son of Jagmohan Yadav, R/V- Ajmeri Bigha, P.S- Muffasil,
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, 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 Aurangabad (Muffasil) P.S. Case No. 01 of 2022 registered for the alleged offences under Sections 30(a) (c) (d), 33 and 36 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 50 litres of spirit and 45 litres of country made liquor was made from the courtyard of the petitioner when a raid was conducted on the house of the petitioner on getting secret information that he was manufacturing illicit country made liquor. Further recovery of 95 litres of spirit was made from a motorcycle parked in the house of the petitioner. The petitioner fled away from the spot when the raid was being conducted.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the seized illicit liquor or the vehicle in question from which the recovery has been made. Recovery of spirit and country made liquor was made from the courtyard of the house, which is in joint possession of the petitioner and other family members. The motorcycle in question does not belong to this petitioner. The petitioner is in custody since 25.08.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and further considering the clean antecedent of the petitioner along with his period of custody and 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 Special Judge Excise-1, Aurangabad



in connection with Aurangabad (Muffasil) P.S. Case No. 01 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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