

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58911 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- DEO District- Aurangabad

Arjun Kumar Shikari @ Arjun Shikari @ Arjun Kumar, S/o Antu Shikari @
Antu Chaudhary R/V- Pasiya Bhandari, P.S.- Deo Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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 Deo P.S. Case No. 175 of 2022 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, on the basis of secret
information, a tempo was intercepted and from a secret
compartment of this tempo, 96 liters of country made *mahua*
liquor was recovered. Three co-accused persons were
apprehended and one of the co-accused namely Baij Nath Pasi
named the petitioner along with other two co-accused persons

who supplied him with the liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner transpired in this case only on the basis of the statement made by the apprehended co-accused persons due to local enmity. Charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission 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 him and also considering the submission of charge sheet along with period of custody of the petitioner, 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 -1st, Aurangabad in connection with Deo P.S. Case No. 175 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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