

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58973 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- DINARA District- Rohtas

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Sandeep Kumar @ Sandeep Kumar Singh, Son of Kameshwar Singh Resident
of Village - Maruan, P.S.- Dinara, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

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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 Dinara P.S. Case No. 154 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, during regular checking of
vehicle, a car was intercepted by the police after chase. The
petitioner and the co-accused left the car and fled away from
the spot. The petitioner and co-accused persons were identified
by the local *Chowkidar*. Recovery of 163.605 liters of India
made foreign liquor was made from the said car.

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 petitioner has no concern with the allegedly seized liquor. The petitioner has been named in the F.I.R. on the basis of disclosure made by the local *Chowkidar* who had claimed to have identified the petitioner in dim light at night. Charge sheet has been submitted in this case and the petitioner is in custody since 17.05.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got one criminal antecedent.

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 his conscious possession and further considering 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 Additional Session Judge-II-cum-Special Judge Excise, Sasaram (Rohtas) in connection with Dinara P.S. Case No. 154 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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