

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60328 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAUTHAM District- Khagaria

Ashutosh Kumar @ Manjit Kumar Son Of Manoj Kumar R/O Village- Borba,
P.S.- Banma, Itahari, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeswari Singh, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd.(App), 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.

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 Chautham P.S. Case No. 213 of 2022 registered
for the alleged offences under Section 420 of the Indian Penal
Code and Sections 30(a), 32(i)(ii) 4(i)(ii) and 36 of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret
information about transportation of illicit liquor in two vehicles.
The identified vehicles were intercepted and from the vehicle in
which this petitioner was sitting recovery of 143.25 litres of
India Made foreign liquor was made and from the other vehicle



recovery of 36 litres of India made foreign liquor was made.

The petitioner was apprehended from the spot.

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 the conscious possession of the petitioner. The petitioner is merely a passenger who took lift in the vehicle and he has no concern either with the seized liquor or with the vehicle in which he was found sitting. The petitioner has no knowledge about the articles loaded on the vehicle. The petitioner is in custody since 06.08.2022 and charge-sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named 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 Special Judge 1st Excise Act, Khagaria in connection with Chautham P.S. Case No. 213 of 2022, subject



to the conditions mentioned in Section 437(3) of the Cr.P.C. and
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 for 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)

himanshu/-

U		T	
---	--	---	--

