

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62088 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Sailesh Singh, S/o Parlvenker Prasad Singh, R/v- Patailiya, Ward No. 8, P.S.-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shri Prakash Tiwari, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-12-2022 Today a supplementary affidavit has been filed on
behalf of the petitioner, which is taken on record.

This petition has been taken up for out of turn hearing
on a mentioning slip being moved on behalf of the petitioner
that the petitioner is an Army personnel and his services is
required at the border in the interest of security of the Nation.

Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in
connection with Khodawandpur P.S. Case No. 260 of 2022
registered for the alleged offences under Sections 420, 467, 468,
471 and 120B of the Indian Penal Code and Sections 30(a),
32(i)(ii), 36 and 41 (i) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret



information about bringing of illicit liquor by the truck at an identified place. A raid was conducted. Near the truck, two four wheeler and two motorcycles along with 5-6 persons were seen. The miscreants tried to run away on the motorcycles and the motorcycles were chased and near a line hotel this petitioner was apprehended along with two other co-accused persons with motorcycles. Police recovered 5392.44 litres of India made foreign liquor from different vehicles.

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 and he has no concern with the allegedly recovered illicit liquor. Petitioner has never indulged in illicit trade of liquor. The petitioner is in custody since 06.09.2022 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 facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and 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 Exclusive Special Judge, Excise-1st, Begusarai in connection with Khodawandpur P.S. Case No. 260 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)

V.K.Pandey/-

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