

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4413 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- MASAUDHI District- Patna

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Sandhir Kumar S/O Ajay Prasad @ Ajay Yadav, R/o- Chakshalay
Sikandarpur, P.S.- Punpun, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 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 Special Case No. 7318 of 2022 (arising out of
Masaudhi P.S. Case No. 738 of 2022) registered for the alleged
offences under Section 414 of the Indian Penal Code and
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per prosecution case, police received secret
information about loading of illicit *Mahua* liquor on four
wheeler. A raid was conducted and two co-accused persons were
apprehended from the spot and three co-accused persons fled



away from the spot. Two cars and one motorcycle were seized from the spot. From these vehicles, recovery of 40 liters, 60 liters and 20 liters, respectively of country made *Mahua* liquor were made. The petitioner is stated to be the owner of the motorcycle from which recovery of 20 liters of *Mahua* liquor was made.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been made accused in this case merely because of the fact that he is the owner of the motorcycle, which was being used by the brother of the petitioner, namely, Randhir Kumar. The petitioner deposited the fine for release of his motorcycle and when he went to get the motorcycle, he was arrested by the police. The petitioner is in custody since 01.12.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the motorcycle of the petitioner was being used for transportation of illicit liquor and the petitioner is also having criminal antecedent.

Having regard to the facts and circumstances and submissions 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 further considering the period of custody of the petitioner along with the submission of charge-sheet, he 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, Excise, Patna in connection with Special Case No. 7318 of 2022 (arising out of Masaudhi P.S. Case No. 738 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)

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