

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48877 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- KASBA District- Purnia

Govind Das S/O Hari Das R/O Mohani Colony, Betoura, P.S- Kasba, Distt.-
Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kasba P.S. Case No. 190 of 2023, registered on 26.05.2023 for the offences under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received secret information about petitioner and co-accused keeping India made foreign liquor in their orchard and bamboo clump. A raid was conducted and co-accused Samar Sardar and Abhinay Kumar were arrested and recovery of 22.595 litres of Indian made foreign liquor was made from the bamboo clump and 1.750 litres was recovered from the motorcycle and 9.5 litres was



recovered from the orchard of the petitioner. The petitioner is said to have fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on suspicion and he has no concern with the alleged recovery from his co-accused brother, namel, Abhinay Kumar and except disclosure of the co-accused nothing has come on the record showing complicity of this petitioner in the alleged occurrence. Learned counsel further submits that the orchard from where recovery has been shown is owned by the father of this petitioner and the motorcycle does not belong to this petitioner. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner was named by the informer and after conducting raid recovery of illicit liquor was made from the orchard of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and the place from where recovery has been shown is said to be joint property of the petitioner and co-accused Abhinay Kumar, let the petitioner above named in



the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge Court No. 1, Purnea/concerned court in connection with Kasba P.S. Case No. 190 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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