

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60473 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- DHANARUA District- Patna

Golu Saw @ Golu Jaiswal S/O Dayanand Jaiswal @ Dayanand Choudhary,
R/V- Gandhi Nagar, Dhawan Nagar, P.S- Gonda, Distt- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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. 3237 of 2021, arising out of
Dhanarua P.S. Case No. 133 of 2021 registered for the alleged
offences under Sections 30(a), 36, 41(i)(ii) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, two trucks were intercepted
by the police on getting secret information about illicit liquor
being carried in the said trucks. Recovery of 1268.475 liters and
1549 liters of India made foreign liquor, respectively, were
made from the said truck and three co-accused persons were



apprehended from the spot. The apprehended persons named this petitioner who supplied them the illicit liquor for smuggling the same to Chapra.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner was named in this case on the basis of confessional statement of co-accused persons. The co-accused persons, namely, Hakim Ansari and Asraf Khan have been granted bail by a Co-ordinate Bench vide order dated 11.03.2022 passed in Criminal Misc. No. 52909 of 2021 and another co-accused namely Ayub Ansari has also been granted bail by a Co-ordinate Bench vide order date 07.04.2022 passed in Criminal Misc. No. 58373 of 2021. The petitioner is in custody since 25.05.2022 and charge-sheet has been submitted in this case.

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 fact that the co-accused persons who were apprehended from the spot have been granted bail 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, Excise Act, Patna in connection with Special Case No. 3237 of 2021 arising out of Dhanarua P.S. Case No. 133 of 2021, 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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