

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71086 of 2023

Arising Out of PS. Case No.-392 Year-2021 Thana- BAHADURPUR District- Patna

Chintu Kumar S/O Late Vijay Prasad Resding of Village - Nand Nagar
Colony, P.S.- Bahadurpur, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bahadurpur P.S. Case No. 392 of 2021, registered on 15.12.2021 for the alleged offence under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about petitioner and co-accused hiding illicit liquor in a bush behind Patna Physical Centre and selling the same. Police party reached at identified place and two persons tried to flee away from the spot seeing the police party and were successful in escaping from the spot. They left behind one sack in which 10 litres of country made Mahua liquor was found.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case apart from 7 other cases of similar nature. The petitioner was not arrested from the spot and he was not even present at the spot when recovery was made. Recovery has been shown from an open place and petitioner has no concern to that place or the alleged recovery made by the police. The petitioner has been remanded in this case on 07.07.2023 without any substantive material against him. Learned counsel further submits that the petitioner has been enlarged on bail in all cases which have been mentioned as his criminal antecedent and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case 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 his conscious possession and further considering the period of custody of the petitioner 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 Court of Excise, Patna City (Patna)/concerned court in connection with Bahadurpur P.S. Case No. 392 of 2021, 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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