

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63429 of 2022

Arising Out of PS. Case No.-195 Year-2022 Thana- BARAHAT District- Banka

Shiv Jatan Murmu, Son of Sona Lal Murmu, R/O Vill.- Kamaradol, P.S.-
Poraiyahat, Distt.- Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

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

The petitioner seeks bail in connection with Special
Excise Case No.754 of 2022 arising out of Barahat P.S. Case
No.195 of 2022 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Petitioner has allegedly been chased and apprehended
with 95 litres of illicit liquor.

Learned counsel for the petitioner submits that
improbability of the allegation regarding the petitioner running
with 95 litres of illicit liquor is itself indicative of the false
implication. In fact, the petitioner has no concern with the



liquor. He has been made a victim of circumstance, being near the place of recovery. Having no antecedents, he is in custody since 17.08.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Banka/Court concerned, in connection with Special Excise Case No.754 of 2022, arising out of Barahat P.S. Case No.195 of 2022, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of



the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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