

Arising Out of PS. Case No.-330 Year-2021 Thana- SIMRI District- Darbhanga

Arising Out of PS. Case No.-330 Year-2021 Thana- SIMRI District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearances :
For the Petitioner/s : Mr.Alok Kumar Alok, Adv.
For the State : Mr.Sanjay Kumar. APP

For the State : Mr.Sanjay Kumar, APP

2 20-01-2023 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (*for brevity, APP*) appearing for the State of Bihar.

The petitioner seeks bail in connection with Simri PS Case No. 330 of 2021, registered for the offence punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code and Sections 30(a) and 32(2), (3), 36 and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

Three persons have been apprehended from a truck from which there is alleged recovery of 2610.72 liters illicit liquor. Petitioner's implication is based on disclosure made by the apprehended persons that petitioners runs a syndicate for supply of illicit liquor.

Learned counsel submits that the petitioner was not apprehended at the time and place of recovery. There is no recovery of any incriminating material from him. His implication is merely based on statement of a co-accused, extracted in police custody and



similarly, he has been made accused in four other cases as per details made in para three(3) of the bill application. He has surrendered in the court on 20/9/2022, and since then he is in custody, whereas he is on bail in the other cases pending against him since before. The recovery is denied and disputed by the petitioner's counsel. It is submitted that recovery is not in accordance with law.

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

Having regard to the manner of recovery, submissions advanced by the parties, period of custody 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.

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 Special Judge, Excise Court No. II, Darbhanga, in connection with Simri PS Case No. 330 of 2021, 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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