

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69878 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- NAUHATTA District- Rohtas

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Akhilesh Musahar @ Shyam Lal Musahar Son Of Bhola Musahar Resident
Of Village - Khairawa, P.S. - Nauhatta, District - Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Nauhatta P.S. Case No. 69 of 2023, registered on 09.05.2023 for the alleged offence under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about three persons bringing country made liquor from the hill. Police started investigation and three persons were found coming downward carrying something on their head. On seeing the police party they fled away leaving behind their carriage. They were identified by local Chaukidar as petitioner and two other co-accused persons. On further search, the material left behind by the petitioner and other co-accused



persons was found to be 102 litres of country made liquor.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as he was not arrested from the spot and nothing incriminating has been recovered from his person or possession. The FIR and seizure list show the recovery has been made from in front of the house of one Rajendra Mehta from the side of the road. The petitioner has been named in this case merely on suspicion and on saying of the local Chaukidar. The petitioner has got one criminal case in which he is on bail. The petitioner is in custody since 09.08.2023 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 Excise Court No. 2 -cum- Additional District & Sessions Judge, Rohtas at Sasaram/concerned court in connection with Nauhatta P.S. Case No. 69 of 2023, 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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