

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71118 of 2023

Arising Out of PS. Case No.-352 Year-2023 Thana- NAVINAGAR District- Aurangabad

SUMESH SINGH SON OF LATE RAMNATH SINGH R/O VILLAGE-
DHANAUTI, P.S.- NAVINAGAR, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate.

For the Opposite Party/s: Mr.Suresh Prasad Singh, 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 Navinagar P.S. Case No. 352 of 2023 dated 1.9.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, Police received secret information about petitioner selling illicit liquor near pond after keeping the same in the bush. A raid was conducted and the petitioner was apprehended and from the identified place recovery of 18.54 litres of country made liquor was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case in the manner alleged. No incriminating article was recovered from the person or possession of the petitioner. The recovery has been shown from some open place which was accessible to all and petitioner has no concern with the seized liquor. The petitioner is in custody since 2.9.2023. The petitioner is having criminal antecedent of three cases and in all he is on bail.

5. Learned APP opposes the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been shown from some open place and not from conscious possession of the petitioner, 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 court of Special Judge Excise No. 01, Aurangabad, in connection Navinagar P.S. Case No. 352 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 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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