

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 3381 of 2023**

Arising Out of PS. Case No.-856 Year-2022 Thana- ARA NAWADA District- Bhojpur

RAJ KUMAR Son of Mahendra Prasad Sah @ Mahendra Prasad R/o Village
- Dhamar, P.S.- Ara Mufassil, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ravindra Kumar, Advocate

For the Opposite Party/s : Mr Dilip Kumar No 1, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 10-02-2023

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 Ara Nawada Police Station (for brevity, **PS**) Case No 856 of 2022 dated 27.09.2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

There is alleged recovery of 172.80 liters foreign liquor from a vehicle.

Learned counsel submits that there is no recovery from petitioner's possession and his implication is due to his antecedent in Ara (Mufassil) PS Case No 92 of 2021 in which he is on bail. Falsity of the allegation is evident from the sequence of preparation of seizure memo and First Information Report. Petitioner is in custody since 28.09.2022, though investigation is complete.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, 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 is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Court No I, Bhojpur at Ara in Ara Nawada PS Case No 856 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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