

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3733 of 2023

Arising Out of PS. Case No.-523 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Munna Kumar @ Munna Kumar Singh, Son Of Jagdish Singh, R/O Village-
Awashan Tola, P.S.- Jagdishpur, District- Bhojpur (ARA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Malti Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Jagdishpur P.S. Case No. 523 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about petitioner manufacturing illicit liquor. A raid was conducted at the identified place and the petitioner escaped from the spot. During search, police found five ditches in which 2000 litres of raw material for manufacturing of illicit liquor was kept which was destroyed after taking out samples.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has never indulged in any type of business of illicit liquor and has no concern with the allegedly recovered illicit liquor. Nothing incriminating has been recovered from the conscious possession of the petitioner. It is evident that the recovery has been made from an open place i.e. bank of river and the petitioner was not apprehended from the spot. The petitioner is in custody since 22.11.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents and is accused in four cases including one case under excise act.

Having regard to the facts and circumstances 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 him and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1st, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 523 of 2022, 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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