

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4502 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- CHANDI District- Bhojpur

Ashok Singh S/o Kameshwar Singh R/o Village-Salempur, P.S.- Chandi,
Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, 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.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Chandi P.S. Case No. 121 of 2022, registered
for the alleged offences under Sections 30(a), 36 of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the police conducted a raid
on getting information about manufacturing of illicit *mahua*
liquor in illicit furnaces. During raid, four persons escaped from
the spot and the local villagers named the petitioner along three
other co-accused person, who were successful in escaping the
place of occurrence. Recovery of 70 liters of country made



mahua liquor was made from the said place.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the F.I.R. that recovery of illicit liquor was made near river bank and not from the person or possession of this petitioner. The police has named the petitioner in this case on saying of the villagers, but there is no independent witness and the witnesses of the seizure list are police personnel. The petitioners are in custody since 14.12.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

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 his possession and further considering the period of custody of the petitioner along with the submission of charge-sheet, he 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- 1st Bhojpur at Ara in



connection with Chandi P.S. Case No. 121 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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)

Ashish/-

U		T	
---	--	---	--

