

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56213 of 2024

Arising Out of PS. Case No.-202 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Sonu Jaiswal @ Vivek Kumar Son Of Sambhu Jaiswal Resident of village-
Jasparhan, Police station- Tisiauta, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with C 2 A 202 of 2021, registered on 08.10.2021 for the offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, on getting secret information about petitioner selling illicit liquor, a raid was conducted at the house of the petitioner and its surrounding place. Recovery of 11.250 litres of foreign liquor was made from the semi constructed structure adjacent to the house of the petitioner.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case and from the facts of this case it is apparent that no offence under the Excise Act is made out against the petitioner. No recovery has been shown from the petitioner and alleged recovery has been made from a place which is an open place accessible to all as is evident from the FIR. The petitioner could not fastened with the liability of recovery from such place. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf 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 not been made from the conscious possession of the petitioner and further considering the remote nature of allegation and clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Prohibition and Excise Court No. 2 -cum- Additional District & Sessions Judge, Hajipur, Vaishali/concerned court in



connection with C 2 A 202 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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