

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76128 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- Marnga District- Purnia

Shambhu Kumar S/o- Dip Narayan Das Resident of Village- Shiv Nagar
Lalganj Police Station- Maranga District-Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Maranga P.S. Case No. 178 of 2024, registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret information about petitioner storing foreign liquor in his house and selling the same. A raid was conducted and from the house of the petitioner, recovery of 95.375 liters of foreign liquor was made. The petitioner is stated have fled away from the spot.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. No



independent witness has been joined while the police made the search and seizure and hence, the same is suspect. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 19.08.2024. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. 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 further considering the period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Purena/court concerned in connection with Maranga P.S. Case No. 178 of 2024, 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 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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