

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75798 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- Excise P.S. District- Rohtas

Badan Turha Son of Dukhit Turha Resident of Village - Semari Ward No.10,
P.S. - Dawath, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Bikaramganj Excise P.S. Case No. 119 of 2024, registered for the offences under Sections 30(a) and 62 of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, police received secret information about co-accused bringing illicit liquor in his house in two sacks and the petitioner selling the same. A raid was conducted and a person fled away from the spot and this petitioner was apprehended. From the house of the petitioner recovery of 34.875 litres of foreign liquor was made.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. No occurrence as alleged has ever taken place and nothing incriminating has been recovered from the conscious possession of the petitioner. Even in the FIR it was alleged that co-accused son of the petitioner fled away from the spot and if the petitioner was having any guilty mind he would have also fled away from the spot. Petitioner was arrested while he was going to sleep in his room. Petitioner is having clean antecedent and is in custody since 24.07.2024 and charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the the submission of charge sheet and period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Rohtas at Sasaram/concerned court, in connection with Bikaramganj Excise P.S. Case No. 119 of 2024, subject to the condition laid down under Section 437(3) 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 below, if so required by the learned trial court.
- (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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