

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20858 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Bitu Giri, S/O Dharmnath Giri, R/O Village-Sirsa Sidha, P.S-Baikunthpur,
District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan, Advocate.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 01-12-2021 The applicant/accused in Crime No. 04 of 2021 registered with Baikunthpur Police Station for the offence punishable under Section 30(a) and 4 of the Bihar Prohibition and Amendment Excise Act, 2018, by this application is seeking his release on bail during the pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that except one criminal antecedent and the confessional statement of the main accused, there is nothing against the applicant to connect him with the crime in question.

The learned Prosecutor opposed the application by arguing that co-accused Bharat Das has named the applicant as the person dealing in illicit liquor. There is one criminal antecedent against him.



I have considered the submissions so advanced and perused the material placed before him including the FIR.

The crime in question is registered on the basis of FIR lodged by the Police Officer Prashant Kumar after effecting the raid on the basis of secret information. He averred in the FIR that on the basis of secret information, he conducted raid by visiting the house of Bharat Das. He notice a tempo standing there. The first informant was accompanied by other police officials. It is averred in the FIR that when the police approached, the person on the spot flee with the tempo and police intercepted him. It was noticed that the tempo was containing Indian made foreign liquor. It was 36.54 liters in quantity. The apprehended person disclosed his name as Bharat Das. It is not averred in the FIR that other person ran away from the spot. The applicant was not apprehended at the spot. The applicant is arrested as his name is sated by main accused Bharat Das to police.

Considering the nature of evidence against the applicant and the fact that the applicant is pretrial detention for considerable time and hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 04 of



2021 registered with Baikunthpur Police Station for the offence punishable under Section 30(a) and 4 of the Bihar Prohibition and Amendment Excise Act, 2018, be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order



only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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

