

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36967 of 2021

Arising Out of PS. Case No.-560 Year-2020 Thana- PHULPARAS District- Madhubani

1. Domi Kamat Son Of Late Suthai Kamat Resident of Ward No.05 Brahampura Ghogardiha, P.S- Phulpras, District- Madhubani.
2. Satya Narayan Kamat Son of Domi Kamat Resident of Ward No.05 Brahampura Ghogardiha, P.S- Phulpras, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 13-12-2021 The applicant/accused in Crime No. 560 of 2020 registered with Phulpras Police Station for the offence punishable under section 30(a) of Bihar Prohibition and Excise Act, 2016, by this application are seeking their release on bail during pendency of the trial.

Heard the learned counsel for the applicants. He argued that the information was received in the police station at 8.30 A.M. on 12.12.2020 but raid was conducted at 5:00 A.M. in the morning. Hence the case of the prosecution is false. It is further averred that the applicants was residing somewhere else.

The learned prosecutor opposed the bail application.

I have considered the submission so advance and



perused the material placed before me. I see no merit in the contention of the learned counsel for the applicant that the information was received at the police station at 8.30 A.M. on 12.12.2020 because it was the time of registration of the crime. In fact, the raid on the basis of secret information was conducted at 5 A.M. and the seizure memo was effected at 5:30 A.M. The police station is at a distance of 7 kilometers from the spot of the incident. Therefore, it is but natural that the FIR of the incident would be lodged subsequently at 8:30 A.M. of that day.

Be that as it may, the investigation of the crime in question is over. The applicants are stated to be the persons with no criminal antecedents. Hence, their further pre-trial detention are not warranted. Therefore, order.

The application is allowed.

The applicants/accused in Crime No. 560 of 2020 registered with Phulpras Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) each on furnishing sureties 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 not repeat the trial in expeditious disposal of the trial against him.

(III) 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 applicant/accused.

(A. M. Badar, J)

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