

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.2044 of 2022

Arising Out of PS. Case No.-25 Year-2020 Thana- SUKHANI District- Kishanganj

Md. Sahid @ Sahid Pradhan @ Sahid Reza, Son of Late Md. Din Ali @ Late Md. Ali, Resident of Dhanigachh, Sonapur, P.S.- Chopra, District- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ramakant Sharma, learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sukhani P.S. Case No. 25 of 2020 (Special Case No. 377 of 2020) for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that on 18.11.2020 while the police was on patrolling duty they



intercepted one Tata Spacio Gold from which two persons managed to escape due to dark and the driver was apprehended and on search being made 684 litres of illicit foreign liquor was recovered.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that the name of this petitioner has been implicated on the basis of his own confession made in connection with Kishanganj P.S. case no. 447 of 2020 and except the self-confession, there is nothing against this petitioner. It is also submitted that the petitioner is in custody since 22.10.2021 and the investigation of the crime has already been concluded and the charge-sheet has been submitted. It is next submitted that only because of the fact that the name of the petitioner has been implicated in ten other cases, his name has also been implicated in the present case, however, he submitted that out of ten cases, the petitioner is on bail in seven cases.

On the other hand, learned APP for the State opposes the bail application and submits that during course of investigation it has come that the petitioner is involved in the



trade of illegal liquor and there is a long list of criminal antecedent of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither named in the F.I.R. nor he was arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner, apart from the fact that the petitioner is in custody since 22.10.2021, though the investigation has already been concluded and charge-sheet has been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Kishanganj in connection with Sukhani P.S. Case No. 25 of 2020 (Special Case No. 377 of 2020) subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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