

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2563 of 2022

Arising Out of PS. Case No.-213 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Rajeev Kumar S/O Kari Mahto @ Krishna Kumar Mahto R/O Village-
Singhiya Ghat, Station Road, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-06-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Mritunjay Kumar Roy, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Bibhutipur P.S.Case No. 213 of 2020 for
the offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, it is alleged that on
secret information, police party apprehended a truck bearing
registration no.HR-39 D-3392. On search being made
altogether 3704.040 liters foreign made liquor were



recovered. It is further alleged that on seeing police party 4 to 5 named accused persons and six unknown persons fled away, out of which, petitioner was identified by the Chaukidar

It is submitted by the learned counsel for the petitioner that the aforesaid truck neither belongs to the petitioner nor he was apprehended on the spot. It is also submitted that petitioner has been implicated in the present case, only because of the fact that the earlier, petitioner had been made accused in similar nature of cases. Further no incriminating material has been found suggesting the complicity of the petitioner and moreover, the illicit liquor has not been recovered from person or possession of the petitioner. It is next submitted that petitioner is in custody since 10.09.2021, though the investigation is already completed and charge sheet has been submitted. It is also submitted that the petitioner has also been made accused in three other cases, which have been mentioned in Para -3 of the application and petitioner is on bail in two of the cases.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits



that huge recovery has been made from the truck and this petitioner has been identified, fleeing from the place of occurrence.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested on the spot nor any incriminating material has been recovered from person or possession of the petitioner and he had is no concern with the seized truck and he is in custody since 10.09.2021, though, investigation has already been completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Samastipur in connection with Bibhutipur P.S.Case No. 213 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner 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 of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J.)

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