

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5511 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- KHAIRA District- Jamui

Vijay Murmu @ Vijay Kumar Murmu, Son of Durga Murmu, Resident of
Village- Tarataund, P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 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. Raj Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Khaira P.S. Case No. 119 of 2021 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 a secret
information, the police raided the house of the petitioner and on
search being made altogether 200 litres of country made Mahua
liquor was recovered.



It is submitted by the learned counsel appearing on behalf of the petitioner that the alleged recovery has been made from a joint family house, which is not exclusive possession of the petitioner. It is further submitted that there is violation of Section 100 of the Cr.P.C., inasmuch as both the seizure list witnesses are police personnel. It is next submitted that the petitioner is in custody since 15.04.2021 and he spent more than one year in custody having clean antecedent. It is lastly submitted that the investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the house of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from a joint family house, inasmuch as the petitioner is in custody since 15.04.2021 having clean antecedent, 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, Jamui in connection with Khaira P.S. Case No. 119 of 2021 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.

(Harish Kumar, J)

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