

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7254 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Anmol Singh Son Of Mahatam Singh @ Mahatam Kumar Singh Resident Of
Village- Paharpur Chhangur, Police Station- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Lokesh Kumar Singh, 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 Kuchaikote P.S.Case No. 459 of 2021 for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that the police on a secret information, intercepted four persons, who were going with plastic gallon in a vehicle and on



seeing police party the accused persons started fleeing away. Two persons were arrested and on search being made 40 liters of spirit has been recovered from a Gallon. Both the apprehended persons disclosed the name of this petitioner.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incriminating material has been recovered from person or possession of the petitioner. It is further submitted that except the discloser made by the apprehended person no other material has come which suggest the complicity of the petitioner in the present crime. It is next submitted that there are other irregularities in preparation of seizure list and moreover, investigation has already been concluded and charge sheet has been submitted, though the petitioner is in custody since 10.11.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has found involved in four other cases and out of them three are similar in nature. In response to the aforesaid submission the learned counsel for the petitioner submits that the petitioner is on bail in all the four cases



and only because of his criminal antecedents, he has been implicated in the present case.

Having heard the rival contentions of the parties and taking into consideration the fact that neither petitioner has been arrested on the spot nor any incriminating article has been recovered and he is in custody since 10.11. 2021, apart from the fact that 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, Gopalganj in connection with Kuchaikote P.S.Case No. 459 of 2021 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.)

N.K/-

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

