

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5668 of 2022

Arising Out of PS. Case No.-352 Year-2021 Thana- NARHATT District- Nawada

Rohit Kumar, Son of Subodh Rajbanshi, R/O Village- Kutani Bigha, P.S.-
Narhat, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Alok Kumar Alok, Advocate
		Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s	:	Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-07-2022 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 Dr. Alok Kumar Alok, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Narhat P.S. Case No. 352 of 2021 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the police, on a secret information, intercepted a motorcycle. On



seeing the police party, one of the person succeeded to flee away, however, this petitioner was apprehended. On search being made total 38 liters of country made liquor was recovered from a bag.

It is submitted by the learned counsel appearing on behalf of the petitioner that the alleged recovery, which is said to have been made from a bag, does not belong to the petitioner, rather the same belongs to the co-accused person, who fled away from the place of occurrence on seeing the police party. It is next submitted that there is no independent witness to the seizure list and moreover this petitioner having fair incident is in custody since 01.11.2021, apart from the fact that the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand learned counsel for the State opposes the bail application and submits that the petitioner was arrested by the police and from his possession country made liquor was been recovered.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that this petitioner is in custody since 01.11.2021 having fair antecedent and moreover the investigation of the crime is already



completed and the charge sheet has been submitted and as such keeping the petitioner behind the bar would not serve any further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Nawada in connection with Narhat P.S. Case No. 352 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 the bail bonds 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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