

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13455 of 2022

Arising Out of PS. Case No.-688 Year-2020 Thana- KUDHNI District- Muzaffarpur

Naresh Kumar @ Naresh Sah Son Of Late Bhadai Sah Resident Of Village -
Mohanpur, Chandrihiya, P.S.- Kudhani (turki O.P), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad,APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Ranjeet Kumar Yadav, 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 Kudhani P.S.Case No. 688 of 2020 (Turki
O.P) for the offences punishable under Sections 30(a) of
the Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that on
secret information the police raided the house of the
petitioner and from bathan of the petitioner total 37.695
liters illicit foreign made liquor was recovered.



It is submitted by the learned counsel for the petitioner that the alleged recovery has been made from the bathan which is a joint family premises and accessible to all. Petitioner was neither arrested on the spot nor recovery has been made from his conscious possession. It is next submitted that petitioner is in custody since 20.09.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that recovery has been made from the house of the petitioner and petitioner has been found involved in one other case of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been made from the premises which is said to be in joint family possession and accessible to all. Apart from the fact that petitioner is in custody since 20.09.2021 and moreover, investigation has already been completed and charge sheet has been submitted and keeping the petitioner behind the bar for a further period no purpose, 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 Special Judge, Excise Court-II, Muzaffarpur in connection with Kudhani (Turki O.P) P.S Case No 688 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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