

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13323 of 2022

Arising Out of PS. Case No.-204 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Bikash Kumar @ Bally @ Bikas Rai @ Bablu Kumar Son of Lalan Rai @
Kali Rai @ Kari Singh Resident of Village - Narayan Pipar P.S. -
Khodawandpur (Chhowali O.P.), Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

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

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Cheriya Bariyarpur P. S. Case No. 204 of
2020 registered for the offences punishable under Sections 30
(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
Police, on a secret information, raided the house of the co-



accused Abhishek Kuamr @ Mintu Yadav. On search being made altogether 636.480 litres of foreign liquor in a *fuss* house near a Hanuman Temple has been recovered. It is further alleged that the apprehended co-accused has disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that save and except the disclosure made by the co-accused, there is no other material, which suggests the complicity of the petitioner in the present case. It is next submitted that the co-accused Abhishek Kuamr @ Mintu Yadav from whose possession the entire recovery was made, has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 13287 of 2021 vide order dated 28.06.2021. A copy of which has been annexed as annexure 2 to the present application.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner has been disclosed by the co-accused and moreover, this petitioner is found involved in six other criminal cases.



Having considered the submissions made on behalf of the parties and taking into account the fact that nothing has been recovered from the person or possession of this petitioner and his name has been disclosed by the co-accused person, from whose possession the recovery was made, has already been granted bail by learned co-ordinate Bench of this Hon'ble court, let the petitioner, above named, 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 2nd -cum-Special Judge Excise Act, Begusarai in connection with Cheriabariyarpur P. S. Case No. 204 of 2020, subject to the condition that one of the bailors will be the close relative 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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