

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13438 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- AMBA District- Aurangabad

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Munna Prasad Son Of Late Krishana Prasad R/O Village- Kayasath Tola, Old Town, Ward No.-2, P.S.- Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 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 Ms. Mukul Kumari, 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 Amba P. S. Case No. 06 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that during vehicle checking the petitioner was apprehended and on search being made 20 litres country-made liquor was recovered from a Bajaj Discover motorcycle, which was driven by the petitioner.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been made accused in this case only on the basis of his past criminal history as he had been made accused in a similar nature of case in which the petitioner is now on bail. It is next submitted that nothing has been recovered from the person or possession of this petitioner rather the illicit liquor has been recovered from the other place, but the same has been shown to be recovered from the possession of this petitioner. It is next submitted that this petitioner is in custody since 10.01.2022, though the investigation of the crime is already 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 conscious possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 10.01.2022 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 serve no further purpose, 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 Special Judge Excise 1st, Aurangabad in connection with Amba P. S. Case No. 06 of 2022, 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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