

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14086 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

Raushan Kumar Son of Ashok Mahto Resident of Village - Chakbalthi, P.S.-
Bochahan, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate.
For the Opposite Party/s : Mr. Shailendra Kumar, APP.

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 Mr. Kamlesh Kumar Pathak, 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 Bochahan P. S. Case No. 322 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the Police, on a secret informant, raided the house of one Kanhaiya Kumar. On search being made altogether 189.99 litres of illicit foreign liquor has been recovered from his *bathan*. It is further



alleged that five persons including this petitioner were apprehended from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that from the F.I.R., it is evident that the entire recovery has been made from the house/*bathan* of co-accused Kanhaiya Kumar and nothing has been recovered from the person or possession of this petitioner. It is further submitted that the petitioner being local resident, he was only present there and he has been arrested only on suspicion. It is next submitted that this petitioner is a man of fair antecedent and is in custody since 25.11.2021 and the investigation of the crime is 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 petitioner was apprehended at the spot, from where recovery has been made.

Having considered the submissions made on behalf of the parties and taking into account the fact that the entire recovery has been made from the house of co-accused and he was only arrested at the spot, except that there is no other material, which suggests the complicity of the petitioner and moreover, the investigation of the crime is completed and the charge-sheet has been submitted and as such, keeping the



petitioner behind the bar would not serve any 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) Court No. 1, Muzaffarpur in connection with Bochahan P. S. Case No. 322 of 2021, 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.

(Harish Kumar, J)

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