

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14733 of 2022

Arising Out of PS. Case No.-331 Year-2020 Thana- WARISLIGANJ District- Nawada

Chandan Kumar, Son of Manoj Mahto, R/O Village- Baghi Bardiha, P.S.-
Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 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 Mr. Man Mohan Kumar, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Warisaliganj P.S. Case No. 331 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that on a secret information, the police raided the house of the co-accused Guddu Kumar and this petitioner and on search being made it is alleged that 27.4 litres of country made liquor was recovered



from a Jute bag.

It is submitted by the learned counsel appearing on behalf of the petitioner that the alleged recovery has been made from a joint family house and so far this petitioner is concerned he has no concern with the activities of his brother in any manner and he is residing separately. It is next submitted that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered. It is further submitted that the petitioner is a man of fair antecedent and he is in custody since 13.01.2022, moreover 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.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover the recovery has been made from a joint family house and this petitioner is in custody since 13.01.2022, though 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, 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 Special Judge, Excise Court No.-II, Nawada in connection with Warisaliganj P.S. Case No. 331 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.

(Harish Kumar, J)

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