

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14801 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- BHAGWANPUR District- Begusarai

Sohit Kumar, S/o Gulshan Singh, R/o Village- Naula, P.S.- Bhagwanpur,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocete

For the Opposite Party/s : Mrs. Asha Kumari, 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. Randhir 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 Bhagwanpur P.S. Case No. 258 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that 50.250 litres of Indian made foreign liquor was recovered from a Bhuska (Bakhari) behind the Gumti situated at Pakki road. It is also alleged that the petitioner was found involved in the liquor



business and as such this raid was made.

It is submitted by the learned counsel appearing on behalf of the petitioner that as a matter of fact nothing has been recovered from the conscious possession of this petitioner, rather the same has been recovered from a Bakhari (Bhuska), which is accessible to all. It is further submitted that there is no compliance of mandatory provision of the Code of Criminal Procedure and the Excise Act while making seizure list. It is also submitted that this petitioner is a student of Intermediate and has absolutely fair antecedent, is in custody since 24.12.2021, 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 possession of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from a Bakhari (Bhuska), which does not belong to the petitioner and he is a student of Intermediate, aged about 20 years, having fair antecedent, is in custody since 24.12.2021, 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 Exclusive Excise Court No.-I, Begusarai in connection with Bhagwanpur P.S. Case No. 258 of 2021 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.

(Harish Kumar, J)

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