

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14663 of 2022

Arising Out of PS. Case No.-893 Year-2021 Thana- SITAMARHI District- Sitamarhi

Purushottam Kumar, Son of Prahlad Prasad @ Pahlad Sah @ Prahlad Sah,
Resident of Village - Court Bazar, Ward No.- 12, P.S.- Sitamarhi, District –
Sitamarhi. ... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhubala Verma, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, 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 Mrs. Madhubala Verma, 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 Sitamarhi P.S. Case No. 893 of 2021 registered
for the offences punishable under Sections 414/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, it is alleged that 176.840
litres of different kind of foreign liquor was recovered from a
Tempo, which was driven by Mukesh Kumar. It is further
alleged that the name of the petitioner has been disclosed by co-



accused Mukesh Kumar, who is said to be the driver of the said Tempo.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from his possession. It is further submitted that the petitioner has no concern with the alleged Tempo or the recovered illegal wine and except the disclosure made by the Tempo driver, there is no other material, which suggests his complicity. It is next submitted that the petitioner is in custody since 08.11.2021 having absolutely fair antecedent, 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 name of the petitioner has transpired on the disclosure made by the co-accused.

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 from his possession, inasmuch as the Tempo from where the alleged recovery has been made does not belong to the petitioner and he is in custody since



08.11.2021 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 Special Judge, Excise Court-II, Sitamarhi in connection with Sitamarhi P.S. Case No. 893 of 2021 subject to the condition that one of the bailors will be the local residents 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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