

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14737 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- BISHWAMBHARPUR District-
Gopalganj

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Milan Kumar, Son of Birbahadur Pandey, Resident of Village - Bankatwa
Areraj, P.S.- Paharpur, Distt.- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, 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 the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Rajesh 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 Vishambharpur P.S. Case No. 20 of 2022
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 in a vehicle
checking one Scorpio vehicle was intercepted and on search
being made total 193.320 litres of different kind of foreign



liquor was recovered. It is further alleged that on interrogation, the apprehended person disclosed his name as Milan Kumar (petitioner).

It is submitted by the learned counsel appearing on behalf of the petitioner that no incriminating article has been recovered from his person or possession. It is next submitted that the petitioner is aged about 20 years and he is a student and has no concern with the Scorpio vehicle from where the recovery has been made. It is also submitted that this petitioner has absolutely fair antecedent and he is in custody since 09.02.2022, 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.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that no incriminating material has been recovered from the conscious possession of the petitioner and moreover the vehicle in question does not belong to him and he is in custody since 09.02.2022, 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 Additional Sessions Judge-IV-cum-Special Judge, Excise Court No.-II, Gopalganj in connection with Vishambharpur P.S. Case No. 20 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.

(Harish Kumar, J)

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