

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21890 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- KAJRA District- Lakhisarai

Suresh Koda Son Of Narayan Koda R/O Village- Pachheari Tola Srikishun
Kodasi, P.S.- Kajra, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 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. Bijay Kumar Pandey, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kajra P. S. Case No. 119 of 2021 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a secret information that a man having white coloured plastic sack containing country-made *mahua* wine, apprehended



him and on search being made 50 litres *mahua* liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the conscious or constructive possession of this petitioner and even from the F.I.R., it is evident that the petitioner was allegedly arrested on chase while fleeing away after throwing a white coloured plastic sack containing illicit *mahua* wine. It is next submitted that there is other serious irregularities in preparation of seizure list in as much as the investigation of the crime is already completed and the charge-sheet has been submitted and this petitioner is in custody since 15.12.2021, having fair antecedent.

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 account the fact that the investigation of the crime is already completed and the charge-sheet has been submitted and moreover, this petitioner is in custody since 15.12.2021, having fair antecedent in as much as there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge V-cum-Exclusive Special Court No.2, Excise Act, Lakhisarai in connection with Kajra P. S. Case No. 119 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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