

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29497 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Umanath Singh @ Kabari, Son of Chhabila Singh, Resident of Village-
Chanchoura, P.S.- Chapra Muffasil, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Vijay Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Chapra Mufassil P.S. Case No. 84 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that during the course of raid by the police, 100 litres of illicit liquor was seized where allegedly the petitioner along with the other accused persons were manufacturing illicit liquor.

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 material has been recovered from his person or possession. It is further submitted that save and except the allegation that the petitioner was indulged in manufacturing of illicit liquor, there is no other material, which suggests the complicity of the petitioner. It is next submitted only on account of past criminal antecedent, the petitioner has been implicated in this case and the alleged recovery has been made from open field and the same does not belong to the petitioner. It is lastly submitted that this petitioner is in custody since 12.03.2022 and moreover investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is named in one another case, having identical nature.

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 person or possession and so far as the recovery is concerned, the same has been recovered from an open field and the petitioner is in custody since 12.03.2022, apart from the fact that investigation of the crime



has completed and charge-sheet has been submitted, 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-I, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 84 of 2022, 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 physically 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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