

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22253 of 2022**

Arising Out of PS. Case No.-131 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Sarwjit Kumar S/O Satya Narayan R/o Village- Raji Ramdihra, P.S.- Tilouthu,
District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-06-2022 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. Om Prakash Kumar, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Aurangabad Nagar P. S. Case No. 131 of
2022 registered for the offences punishable under Sections 30



(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the Police, on a secret information, raided the house of one Anish Rajak and from a room, where the petitioner along with three persons were present, 5.575 litres foreign and country-made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged room from where the recovery has been made was not the room of the petitioner and he is only a renter in the said house and only on suspicion his name has been implicated in this case. It is further submitted that the petitioner is a constable and since there was some enmity with the informant, who happens to be Circle Inspector, his name has been implicated in this case. It is also submitted that on being apprehended in the present case, he has already suspended and departmental proceedings has been initiated against him and as such, he has already been punished adequately in as much as he is in custody since 10.03.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended from his rented room from where the recovery has been made and he being a police personnel does not deserve the



privilege of bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that the recovery has been made from a room where four persons were present and moreover, this petitioner is in custody since 10.03.2022, though the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, above named, 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 1st Special Judge (Excise), Aurangabad in connection with Aurangabad Nagar P. S. Case No. 131 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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