

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22173 of 2022

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

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Binod Kumar, S/o- Late Ram Pravesh Prasad, R/o- Village- Hasanpura, P.S.-
Hussainganj, District - Siwan.

... .. 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. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 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. Om Prakash 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 Aurangabad Nagar P.S. Case No. 131 of 2022
registered for the offence punishable under Section 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 that some excise personnel and
police official are indulged in selling and keeping of the illicit



liquor, raided the house of one Anish Rajak, where three persons, namely, Ajay Kumar, Binod Kumar and Sarvajeet Kumar kept a room on rent and further it is alleged that from the said room four persons including this petitioner were apprehended and total 5.575 litres of foreign/country-made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a bag kept in the said room and no recovery has been made from the conscious possession of the petitioner. It is next submitted that petitioner was neither the owner of the house nor the room was taken on rent by him. It is next submitted that one of the co-accused, namely, Sarwjit Kumar, having identical allegation, has already been granted by this Court in Cr. Misc. No. 22253 of 2022 vide order dated 30.06.2022 and so far this petitioner is concerned, he is in custody since 10.03.2022 having man of fair antecedent, apart from the fact that 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 petitioner was apprehended with the illicit foreign/country made liquor.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that neither the house nor the room belongs to the petitioner and moreover one of the co-accused, having identical allegation, has already been granted bail by this Court and he is in custody since 13.03.2022 having man of fair antecedent and 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 Special Judge Excise-I, 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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