

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21916 of 2022

Arising Out of PS. Case No.-387 Year-2019 Thana- HISUWA District- Nawada

=====

Ajit Kumar Son of Ramswarath Yadav @ Ramswagat @ Ramswarath Prasad
R/o Village - Fulwariya, P.S.- Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 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. Pramod Kumar Verma, learned counsel for the petitioner as well as Mr. Anand Kishore Choudhary, 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 Hisua P. S. Case No. 387 of 2019 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the Police, on a secret information conducted raid and from a bamboo orchard near pine at village fulwariya 250 litres local



made *mahua* liquor containing in two drums have been recovered. It is further alleged that eye-witness, who was present at the place of occurrence, disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the conscious or constructive possession of this petitioner. It is further submitted that only because of the past criminal antecedent of the petitioner his name has been implicated in this case and except the disclosure made by one of the so-called eye-witnesses, there is no other incriminating material, which suggests the complicity of this petitioner in the present crime, apart from that the alleged recovery has been made from a bamboo orchard, which is accessible to all and moreover, this petitioner is in custody since 03.02.2022.

On the other hand, learned APP for the State opposes the bail application and submits that he petitioner was found involved in the present crime.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from a bamboo orchard, which does not



belong to the petitioner and moreover, he was neither arrested at the spot nor any incriminating material has been recovered from his possession and he is in custody since 03.02.2022, 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 Exclusive Special Excise Court-1, Nawada in connection with Hisua P. S. Case No. 387 of 2019, 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.
- (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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

