

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21919 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- DIDARGANJ District- Patna

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Satish Kumar Son of Prabhu Singh Resident of Village - Punadih, P.S.-
Didarganj, District – Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, 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 defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Jay Ram Prasad, 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 Didarganj P. S. Case No. 88 of 2021



registered for the offences punishable under Sections 30 (a) 36, 41(1) 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 this petitioner is involved in purchasing and selling of illegal wine, intercepted one truck and one Pick-Up van and on search being made total 593.925 litres illicit foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material much less illicit wine has been recovered from conscious or constructive possession of this petitioner. It is further submitted that the alleged seized truck and Mahindra Bolero Pick-Up van do not belong to the petitioner, he is neither owner nor the driver of the same. It is further submitted that there are serious irregularities in the preparation of the seizure list and moreover, the witnesses to the seizure are police personnel. It is lastly submitted that the petitioner is in custody since 28.02.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been found involved in trading of illicit wine.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is neither owner nor driver of any seized vehicles, apart from that he was neither arrested at the spot nor any incriminating material has been recovered from the conscious possession of this petitioner and moreover, he is in custody since 28.02.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted and 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. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Didarganj P. S. Case No. 88 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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