

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22943 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

Chhotu Kumar S/O Late Vinay Chandra Prashad R/O Village, P.O. And P.S.-
Haurmat, Distt.- Nalanda at Bihar Sharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Sanjay Kuamr, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with GRP Rail Kiul P.S.Case No. 17 of 2020 for
the offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that
police while conducting inspection and checking the boggy
of a train apprehended this petitioner and on search being
made altogether 13 liters 200ml foreign liquor has been



recovered from a bag carrying by the petitioner.

It is submitted by the learned counsel for the petitioner that nothing has been recovered from persons or possession of this petitioner and the recovery has been made from a bag which was kept in the boggy and on suspicion the petitioner has been apprehended. It is further submitted that this petitioner is a man of fair antecedent and has no concerned with the said liquor. Moreover, investigation has already been completed and charge sheet has been submitted. Petitioner is in custody since 23.02.2022.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that nothing has been recovered from conscious possession of the petitioner and illicit foreign liquor was recovered from a bag. Petitioner is in custody since 23.02.2022, though, investigation has already been completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Lakhisarai in connection with Kiul P.S.Case No. 17 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 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.)

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