

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23826 of 2022

Arising Out of PS. Case No.-598 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Manager Rai, Son of Makim Ray, Resident of Village- Sujan Tola, P.S.-
Chapra Muffasil, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 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. Vijay 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 Chapra Muffasil P.S. Case No. 598 of 2021 registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that while the police party was on patrolling duty he saw some persons were coming on two motorcycles and on seeing the police party one person fled away. However, the apprehended person disclosed the name of the petitioner. On search being made 160 litres of



country made liquor, kept in two sacks, were recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is next submitted that the motorcycle, in question, does not belong to the petitioner and only because of one past criminal antecedent, he has been made accused in this case. It is lastly submitted that the petitioner is in custody since 25.03.2022 though the investigation of the crime is already completed and the charge-sheet has been completed.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and the seized motorcycle does not belong to the petitioner, moreover the investigation of the crime is already completed and the charge-sheet has been completed and he is in custody since 25.03.2022, 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 1st Exclusive Special Judge, Saran at Chapra in connection with Chapra



Muffasil P.S. Case No. 598 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.

(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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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