

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22487 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- CHACKMEHSI District- Samastipur

Subhash Kumar Son Of Surendra Thakur R/O Village- Malinagar
Dhurbgama, P.S.- Chakmehsi, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

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. Pramod Kumar Singh, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Chakmehsi P.S. Case No. 149 of 2021 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on a secret information that some persons kept hidden the liquor behind the water tank in village Malinagar, raided the place, however, on seeing the police party, 4-5 persons fled away and



on search being made total 549 litres of foreign liquor was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that no incriminating material has been recovered from the person or possession of this petitioner and, moreover, the alleged recovery has been made behind the water tank, situated at village Malinagar, which is a public place accessible to all. It is further submitted that the petitioner is a man of fair antecedent and he is in custody since 20.02.2022.

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

Having considered the submissions made on behalf of the parties and taking into consideration the fact that nothing has been recovered from the person or possession of this petitioner and the alleged recovery has been made from a conspicuous place accessible to all and the petitioner is in custody since 20.02.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Samastipur in connection with Chakmehsi P.S. Case No. 149 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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