

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22981 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- BAKHARI District- Begusarai

Devchnandra Raj @ Devraj @ Deva Son of Late Chandra Bhushan Matho
Resident of Village- Samsa, Near Durga Asthan, Ward No.-12, P.S.- Naokothi,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 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. Shaishav Kumar, learned counsel for the petitioner as well as Mr. Md. Nazir Ansari, learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bakhri P. S. Case No. 332 of 2021 registered for the offences punishable under Sections 120(B) of the Indian Penal Code and Section 30 (a) of the Bihar Excise and Prohibition Act.

As per the prosecution case, it is alleged that the



Police, on a secret information that 10 wheeler truck bearing registration no. BR11L-8911 loaded with illicit wine will pass through a bridge, intercepted. On search being made 2964.96 litres illicit Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R. and his name has transpired during the course of investigation as he has been found involved in trade of illicit wine and thereafter, his self confession was recorded by the Police. It is next submitted that the petitioner is neither owner of the truck nor consigner of the recovered wine, the petitioner is also not holder of the mobile phone, the number of which has been disclosed in the F.I.R.. It is next submitted that no recovery has been made from the conscious or constructive possession of this petitioner and this petitioner is in custody since 07.01.2022, moreover, the investigation of the crime is already completed and the charge-sheet has been submitted.

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 account the fact that the petitioner is neither named in the F.I.R. nor he is in any way concern with



truck or the seized illicit wine, apart from that after completion of the investigation of the crime, 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. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Exclusive Excise Court-II, Begusarai or his successor court in connection with Bakhri P. S. Case No. 332 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 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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