

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23983 of 2022

Arising Out of PS. Case No.-471 Year-2021 Thana- MAJHAULIA District- West Champaran

Chuman Patel, S/o Late Motilal Patel, Resident of Village- Karmwa
Bharwalia Ward No. 7, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, 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. Sunil Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Majhauria P.S. Case No. 471 of 2021 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a secret information that some persons including this petitioner are involved in sale and purchase of illicit spirit, raided village Jaokatiya and seized a truck. On search being made, altogether 1400 litres of illicit spirit and 42.50 quintals of rice were



recovered from the truck.

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 from the person or possession of this petitioner. It is further submitted that the truck, from which spirit and other materials alleged to have been brought, does not belong to the petitioner and save and except the fact that the name of the petitioner has been disclosed by the spy, there is no other material showing the complicity of this petitioner. It is next submitted that only because of the past antecedent of the petitioner his name has been implicated in this case. It is also submitted that though the petitioner is found involved in eight other criminal cases, however, he is on bail in five case. It is lastly submitted that the petitioner is in custody since 04.03.2022, though the investigation of the crime is already submitted and charge-sheet has been submitted. It is lastly submitted that co-accused person, having similar allegation, namely, Shiv Sahni @ Shiv Sahani, has been granted bail by this Court in Cr. Misc. No. 9276 of 2022 vide order dated 05.07.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple



criminal antecedent and he is habitual offender found involved in illegal trade of illicit liquor.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has only been disclosed by the spy and neither he was arrested at the spot nor any incriminating material has been recovered and the co-accused person has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 9276 of 2022 vide order dated 05.07.2022 and the petitioner is in custody since 04.03.2022, apart from the fact that the investigation of the crime is already completed and the charge-sheet has been submitted, let the, 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 Exclusive Special Judge, Excise Act, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 471 of 2021, 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 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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