

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23975 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

Pawan Kumar @ Pawan Singh, S/o Late Chamari Singh, Resident of Village -
Shekhwara, Bodhgaya, Jindapur, P.S. - Magadh University, District - Gaya,
Bihar- 824234. ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 At the outset, learned counsel for the petitioner submits that on account of some inadvertence in the cause title, the name of the police station has wrongly been mentioned as Magadh Medical College P.S. Case, instead of Magadh University P.S. Case.

Office is directed to make necessary correction in the name of the police station.

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. Ashutosh Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Magadh University P.S. Case No. 15 of 2022 registered for the offences punishable under Sections 30(a) (d)



of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police received secret information that in village Sheikhwara this petitioner kept Mahua flower and illegal wine, raided the village and on search of the house of one Late Bagori Manjhi 8.250 litres of Indian made foreign liquor and 160 Kg. Mahua flower 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 from the person or possession of this petitioner. It is further submitted that the alleged recovery has been made from the house of late Bagori Manjhi, which was an abandoned house and the same does not belong to the petitioner. It is next submitted that the alleged house was an abandoned house and hence accessible to all. It is also submitted that only because of the past antecedent, the petitioner has been implicated in this case, though he is already on bail in earlier cases and he is in custody since 27.02.2022, though the investigation of the crime has already been concluded 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 consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and the alleged recovery has been made from an abandoned house of late Bagori Manjhi, apart from the fact that the petitioner is in custody since 27.02.2022, though the investigation of the crime is already concluded and charge-sheet has been submitted in this case, 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 Excise Court No.-I, Gaya in connection with Magadh University P.S. Case No. 15 of 2022 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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