

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23750 of 2022

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

Sanjiv Kumar, S/o Late Suresh Mahto, Resident of Village- Pirnagar
Gamharia, P.S.- Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, 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. Ashok 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 Bakhri P.S. Case No. 332 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

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 liquor will pass through a bridge, intercepted. On search being made 2964.96 litres of illicit Indian made foreign liquor was recovered.



It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither named in the F.I.R. nor he was arrested at the spot, however, his name has transpired during the course of investigation, as he was found user of Sim No. 6204476856, which was used for conversation with the other accused persons. It is next submitted that save and except the alleged sim number, there is no other material, which suggests the complicity of the petitioner in the present crime and moreover the location of the alleged mobile of the petitioner was found nearby the place of occurrence cannot be said to be admissible in the eye of law. It is lastly submitted that the petitioner is in custody since 05.02.2022 having fair antecedent, though 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 consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and save and except the fact that the petitioner was found engaged in conversation with the accused persons, there is no material, apart from the fact that



similarly situated co-accused persons, has been granted bail by this Court in Cr. Misc. No. 22981 of 2022 and the petitioner is in custody since 05.02.2022 having clean antecedent, 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 Special Judge, Excise Court No.-II, Begusarai 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.

(Harish Kumar, J)

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