

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25328 of 2022

Arising Out of PS. Case No.-435 Year-2020 Thana- TEKARI District- Gaya

Chandan Kumar, Son of Umesh Prasad Yadav, Resident of Village-
Chhakanbigha, Gulariyachak, P.S- Tekari, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 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. Ramakant Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Tekari P.S. Case No. 435 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per the prosecution case, it is alleged that the police on a secret information raided the rented house of the petitioner and on search being made 10.845 litres of foreign liquor was recovered.

It is submitted by the learned counsel appearing on



behalf of the petitioner that the house from where recovery has been made, does not belong to the petitioner, and moreover the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his actual conscious possession. It is further submitted that the name of the petitioner has been disclosed by the Chaukidar and moreover he was remanded in the present case from Tekari P.S. Case no. 59 of 2020 on 23.02.2022 and since then he is in custody.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the rented house of the petitioner.

Having considered the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his actual conscious possession and he is in custody since 23.02.2022, though the investigation of the crime is already completed and charge-sheet has been submitted, 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 Act, Gaya in connection with Tekari P.S. Case No. 435 of 2020 (Excise G.R. No. 1062 of 2020) 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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