

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24528 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- PHULWARIA District- Begusarai

Piyush Kumar @ Kari @ Kari Kumar Son Of Late Shatrighan Rai @ Late Nago Rai @ Late Shatrughan Rai @ Satrudhan Ray Resident Of Village - Sokhara 01, Ward No.10, P.S.- Fulwaria, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Fulwaari P.S.Case No. 80 of 2020 for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that on secret information the police raided the grass field and on search being made, altogether, 116.250 liters illicit liquor was recovered from there.



It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incriminating material has been recovered from conscious possession of the petitioner. The alleged recovery has been made from the field, which does not belong to the petitioner. It is next submitted that similarly, situated co-accused Babulal Rai has been granted bail in Cr. Misc. No. 21080 vide order dated 16.08.2021, copy of which has been annexed as Annexure-2 to this application. Petitioner is in custody since 27.01.2022, though investigation of the crime is already been completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has been found involved in three other case of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been made from the field and petitioner was neither arrested on the spot nor any incriminating material has been recovered from his possession, moreover, this petitioner is in custody since 27.01.2022, though investigation has already been concluded and the charge sheet has been submitted, let the petitioner,



above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-I, Begusarai in connection with Fulwaria Case no. 80 of 2020, 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 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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