

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25368 of 2022

Arising Out of PS. Case No.-920 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Jitu Kumar, S/O Bangali Ravidas @ Bangali Das, Resident of Santar,
Mohalla- Chamar Toli, Ward No. 12, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sujit Kumar, Advocate
		Mr. Sanjeev Ranjan, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, 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. Sujit Kumar, 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 Lakhisarai P.S. Case No. 920 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police on a secret information that one person is carrying illicit Mahua liquor, apprehended this petitioner and on search being made 30 litres of illicit country made liquor was seized.



It is submitted by the learned counsel appearing on behalf of the petitioner that nothing has been recovered from the possession of this petitioner, rather the recovery has been made from another place, but on account of past antecedent the petitioner has been implicated in this case. He next submitted that there are other infirmities in preparation of seizure list and moreover this petitioner is in custody since 21.12.2021, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the actual possession of this petitioner.

Having considered the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 21.12.2021, 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 Additional Sessions Judge-IV-cum- Special Judge, Excise Court No.-1, Lakhisarai in connection with Lakhisarai P.S. Case No. 920 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.

(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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