

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25386 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- RIGA District- Sitamarhi

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Brajesh Kumar, S/o Shambhu Sharan Bhagat, Resident of Village- Haribela,
P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
		Mr. Virendra Kumar, Advocate
For the Opposite Party/s :		Mr. Mukeshwar Dayal, APP

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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. Ashok 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 Riga P.S. Case No. 258 of 2021 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a secret information, apprehended a truck and a Wagon R car and on search being made 2739.60 litres of Indian made foreign



liquor was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner has neither any concern with the alleged seized vehicles nor the alleged recovered illicit wine. It is further submitted that the petitioner was not arrested at the spot, rather his name has been disclosed by co-accused Raju Kuamr and save and except his disclosure there is no material, which suggests the complicity of the petitioner in the present crime. However, said Raju Kumar has been granted bail by the court below itself. It is next submitted that having more or less identical allegation, co-accused persons have been granted bail by coordinate Bench of this Court in Cr. Misc. No. 58360 of 2021 and Cr. Misc. No.62109 of 2021 and the petitioner is custody since 09.03.2022 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.

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 from the person or possession of



this petitioner and moreover other similarly situated co-accused person, having identical allegation, have already been granted bail by the learned coordinate Bench of this Court, 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 Special Excise Court-I, Sitamarhi in connection with Riga P.S. Case No. 258 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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