

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25494 of 2022

Arising Out of PS. Case No.-341 Year-2021 Thana- TAJPUR District- Samastipur

Tarun Kumar S/o Suresh Singh R/o village- Chandauli Bankurwa, P.S.- Tajpur
(Waini O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ranjan Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Tajpur (Wani O.P.) P. S. Case No. 341 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 in village, Chandauli, some persons are engaged in unloading of illicit wine, conducted raid.



On noticing the Police the accused persons started fleeing away, however, one Ramesh Kumar was apprehended and he disclosed the name of three persons including this petitioner. On search being made altogether 153.105 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, only because of his past two criminal antecedent, his name has been implicated in this case. It is further submitted that the petitioner is neither owner of the seized motorcycle nor has any concern with the alleged recovered wine. It is next submitted that the petitioner is in custody from March, 2022 and moreover, the investigation of the crime is concluded.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner has been disclosed by the apprehended accused persons.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating



material has been recovered from his person or possession and he is in custody from March, 2022, though after conclusion of investigation, charge-sheet has been submitted, let the petitioner, above named, 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 Corut-2, Samastipur in connection with Tajpur (Wani O.P.) P. S. Case No. 341 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 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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