

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25804 of 2022

Arising Out of PS. Case No.-25 Year-2020 Thana- SUKHANI District- Kishanganj

Abdul Khalik @ Khalid @ Md Abdul Khalid @ Abdul Khalek Son of - Ainul Haque Resident of Village - Kouakhali, Near North Bengal Medical College Tansil Kalam Jote, P.S. - Matigara, District - Darjeeling (W.B.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, 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. Rajeev Ranjan, 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 Sukhani P. S. Case No. 25 of 2020 giving



rise to Special Case No. 377 of 2020 registered for the offences punishable under Sections 272, 273 read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that while the Police was on patrolling duty, on suspicion they intercepted a Tata Specio Gold Vehicle, however, noticing the Police party all the accused persons fled away except the driver. It is further alleged that on search being made altogether 684 litres of illicit foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession. It is further submitted that save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of the petitioner in the present case. It is next submitted that the person, who was apprehended at the spot has already been granted bail by this Hon'ble Court in Cr. Misc. No. 16216 of 2021 vide order dated 25.06.2021. A copy of which is annexed as annexure 2 to this application. Moreover, this petitioner is in custody since 23.02.2022, having a man of fair antecedent.



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 account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, the co-accused person, who was apprehended at the place of occurrence with the illicit wine has already been granted bail by this Hon'ble Court, 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 Additional District and Sessions Judge, II-cum-Special Judge (Excise), Kishanganj in connection with Sukhani P. S. Case No. 25 of 2020 giving rise to Special Case No. 377 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.

(Harish Kumar, J)

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