

submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from person or possession. It is further submitted that alleged recovery has been made from a room constructed near a water tank which was accessible to all. Other co-accused persons, who were also identified by the chaukidar, have been granted bail by different co-ordinate benches of this court. The copies of which have been annexed as Annexure-2 series to this application.

On the other hand learned counsel further stated oppose the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered. Save and except his criminal antecedents, there is no other material which suggest the complicity of the petitioner in the present case. Moreover, the co-accused persons having more or less, similar allegation have already been granted bail by co-ordinate Benches of this Court, 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 Special Excise Court 1st, Samastipur in connection with Bibhutipur P.S. Case No. 248



of 2019, 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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