

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25940 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Saurabh Kumar Son of Rakesh Kumar Singh @ Subodh Kumar Singh
Resident of Village - Kaishwae , Ward No.8, P.S.- Refinery O.P.(Barauni),
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

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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. Chandan Kumar Kashyap, 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 Excise P. S. Case No. 40 of 2022
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
Police, on a secret information, conducted raid of the house of



the petitioner and on search being made altogether 65.400 litres illicit wine has been recovered. It is also alleged that the petitioner was arrested at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from a joint family house where several family members reside and as such, the petitioner cannot be held responsible for the said recovery. It is further submitted that this petitioner is a man of fair antecedent and he is in custody since 14.03.2022 and he is ready to give undertaking that he will cooperate in the trial till its conclusion.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from the possession of a joint family house and moreover, this petitioner is in custody since 14.03.2022, after conclusion of investigation, the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 Court 02, Begusarai in connection with Excise P. S. Case No. 40 of 2022, 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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