

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26536 of 2022**

Arising Out of PS. Case No.-107 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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Jay Kumar Son of Kore Lal Yadav Resident of Village - Bhawanipur, Ward
No.- 08, P.S.- Rangnath Chawk, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate.

For the Opposite Party/s : Ms. Renu Kumari, 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 defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Radha Mohan Singh, 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 Special Case No. 241 of 2022 (P. R. No.
107 of 2022) registered for the offences punishable under
Sections 30 (a) and 32 (3) of the Bihar Prohibition and Excise



Act.

As per the prosecution case, it is alleged that the Police, on a confidential information, intercepted a Maruti Suzuki Celerio Car and one Tata Tiago Car. On search being made from Maruti Suzuki Celerio Car 63 litres and from Tata Tiago Car 69.12 litres Indian made foreign liquor was recovered. It is further alleged that from both the vehicles five accused persons including this petitioner were arrested.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner of any of the vehicles nor he has any concerned with the alleged recovered illicit wine. It is further submitted that on the fateful day as he had taken lift on Tate Tiago Car and in the meantime, the Police apprehended the car and he was arrested. It is next submitted that this petitioner is a man of fair antecedent and he is in custody since 27.03.2022, moreover, the investigation of the crime is already completed and the charge sheet has been submitted and as such, keeping the petitioner behind the bar would serve no further purpose.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that huge recovery has been made from the car where the petitioner was



found sitting.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is a man of fair antecedent and he is in custody since 27.03.2022 and moreover, after conclusion of the 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 Additional District & Sessions Judge, IV-cum-Special Judge Excise, Kishanganj in connection with Special Case No. 241 of 2022 (P. R. No. 107 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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