

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27013 of 2022

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

-
1. Ram Pravesh Yadav Son of Achche Lal yadav Resident of village- Harnath Chak, P.s.- Gopalpur, District- Bhagalpur.
 2. Chandra Shekhar Roy Son of Bhagwan Roy Resident of Village - Ismailpur, P.S. - Ismailpur, District- Bhagalpur.
 3. Ashish Kumar Son of Siya Ram Mandal Resident of village - Harnathchak, P.S. - Naugachia, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate.
For the Opposite Party/s : Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sunil Kumar Singh, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Special Case No. 241 of 2022 bearing P. R. No. 107 of 2022 registered for the offences punishable under Section 30 (a) and 32 (3) of the Bihar Prohibition and Excise



Act.

As per the prosecution case, it is alleged that the police, in a vehicle checking, intercepted a Tata Tiago and on search, 59.12 litres Indian made foreign liquor was recovered. It is further alleged that four persons, including these petitioners who were sitting in the car have also been apprehended.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 1, who happens to be driver of the said vehicle was engaged by his owner on daily wages and was directed to deliver the consignment to a particular place and moreover, these petitioners have nothing to do with other vehicle, which was apprehended by the Police in course of vehicle checking and from where recovery has also been made. It is next submitted that the petitioners are in custody since 27.03.2022 and neither they have any concern with the said vehicle nor with the alleged recovered illicit wine. It is also submitted that the petitioner no. 2 has fair antecedent whereas petitioner no. 1 has one and petitioner no. 3 has two other criminal antecedents.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the conscious possession of these petitioners.



Having considered the submissions made on behalf of the parties and taking into account the fact that these petitioners are in custody since 27.03.2022 and the investigation of the crime is already completed and 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. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-cum-Special Judge (Excise) Kishanganj, District- Kishanganj in connection with Special Case No. 241 of 2022 bearing P. R. No. 107 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They 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, their bail bonds will
liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. 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)

shakir/-

U		T	
---	--	---	--

