

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28353 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- SONBERSA District- Sitamarhi

Subhash Kumar, Son of Ram Ekbal Mahto @ Ram Ekwal Mahto, R/o
Village- Madhiya @ Marhiya, P.S. - Sonbarsa, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sonbarsa P.S. Case No. 91 of 2022 registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act 2018.

As per the prosecution case, it is alleged that the police
on a secret information that some persons are indulged in
business of illicit liquor, raided the house of the petitioner and
on search being made 45 litres of illicit liquor was seized and
the petitioner was apprehended.

It is submitted by the learned counsel appearing on



behalf of the petitioner that the recovery has been made from a joint family house where several persons reside and the petitioner cannot be held responsible for the same. It is further submitted that there is other infirmities in preparation of the seizure list, inasmuch as, the same is in violation of Section 100 of the Cr.P.C. It is next submitted that the petitioner is in custody since 01.04.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted and he is ready to give under taking that he will cooperate in the trial.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house and the petitioner is in custody since 01.04.2022 and moreover 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, named above, 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 Special Judge, Exclusive Special Excise Court -I, Sitamarhi in connection with Sonbarsa P.S. Case No. 91 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 physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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