

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28745 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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WAKIL KUMAR S/o Heeralal Paswan Resident of Village - Murhaghat, P.S.-
Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Virendra Kumar, 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 Case No. C2/124/2022 registered for the
offences punishable under Sections 414 read with 34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per the prosecution case, it is alleged that while
the SSB personnels were on patrolling duty, they apprehended a
person, who was riding on a motorcycle and on search, total 72



litres Nepali Soufi wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner, however only on account of some altercation, which took place between the SSB personnels and the petitioner, his name has been implicated in this case and the recovery has been shown from his possession. It is further submitted that the petitioner has neither any concerned with the illicit Nepali Soufi Wine nor with the motorcycle. It is next submitted that this petitioner is in custody since 28.03.2022, having fair antecedent and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was caught red handed while he was crossing the border with the illicit wine.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner has neither any concerned with the motorcycle nor with the illicit wine and moreover, he is in custody since 28.03.2022, having fair antecedent and the investigation of the crime is



already completed and the charge sheet has been submitted, 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, Exclusive Excise II, Sitamarhi in connection with Case No. C2/124/2022, 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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