

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27864 of 2022

Arising Out of PS. Case No.-841 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

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Bharat Lal Mishra @ Bharat @ Sanjit Kumar Son of Late Rama Shankar
Mishra Resident of Village - Vishunpur Baghnagari, P.s.- Sakra, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Hari Kishore Thakur, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Ahiyapur P.S. Case No. 841 of 2020 for the
offences punishable under Sections 30(a) of the Bihar
Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that the
police on a secret information raided the house of Umesh
Sah and Sunil Sahani. On search being made total 515.100



Indian made foreign liquor was recovered from their house respectively. It is further alleged that the police has disclosed that the alleged illicit liquor has been supplied by the petitioner.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. Moreover, recovery has been made from the houses of the co-accused persons and the petitioner has no concern either with the co-accused persons and from the alleged recovery. It is further submitted that save and except suspicion, there is no other material which suggests the complicity of the petitioner and he is in custody since 25.03.2022. He is also involved in one another case wherein he is on bail.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested on the spot nor any incriminating material has been recovered and the alleged recovery has been made from the house of the co-accused persons. Petitioner is in



custody since 25.03.2022 and investigation of the crime is concluded and the charge sheet has been submitted. 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise 1st Muzaffarpur in connection with Ahiyapur P.S. Case No. 841 of 2020 subject to the condition that one of the bailors will be the close relatives 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.

(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 step for cancelling of bail bond of the petitioner. 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)

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