

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38852 of 2021**

Arising Out of PS. Case No.-81 Year-2020 Thana- MADANPUR District- Aurangabad

Anju Bhuiya, S/O Nathun Bhuiya, R/o village- Navgarh, P.S.- Amas, District-
Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 01-02-2022 The applicant/accused in Crime No. 81 of 2020 registered with Madanpur Police Station for the offences punishable under Sections 467, 468 and 471 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Act, Section 3 of Epidemic Act and Sections 51 and 52 of the Disaster Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant is behind the bars from 13.05.2020 and he cannot be directed to remain behind the bars as an under trial accused indefinitely, particular considering the nature of offence alleged against him. It is further argued that there is no possibility of conclusion of the trial in near future and therefore though the



earlier bail application of the applicant was rejected way back on 09.11.2020, with passage of time the applicant is entitled for bail.

The learned Additional Public Prosecutor opposed the application by contending that earlier bail application of the applicant was rejected by a coordinate Bench of this Court.

I have considered the submissions so advanced and also perused the material placed before me.

Earlier bail application of the applicant was rejected by a coordinate Bench of this Court vide order dated 09.11.2020 passed in Criminal Misc. No. 29253 of 2020 with an observation that “Considering the aforesaid, the Court is not inclined to grant bail to the petitioner.” The earlier order seems to be without any reason by recording the allegations made against the application by the prosecution.

According to the prosecution case, during checkup of vehicles for detecting trade in illicit liquor, a pickup van was stopped. Few people tried to run away. They were taken in custody. The applicant is one amongst them. It is case of the prosecution that Mahua liquor of 100 litre quantity was found in that pickup van.

The investigation of the crime in question is over.



The applicant is behind the bars from 13.05.2020. It is not pointed out that the trial is likely to be concluded in near future. Considering the nature of offence alleged against the applicant and the quality of evidence collected by the prosecution, his further pretrial detention is not warranted in view of the fact that he is not having any criminal antecedent. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 81 of 2020 registered with Madanpur Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.



(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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