

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28311 of 2022

Arising Out of PS. Case No.-313 Year-2018 Thana- ARARIA District- Araria

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Laddu @ Aurangzeb @ Laddu Aurangzeb, S/o Nasim @ Md. Nasim, R/O
Village- Azad Nagar, Ward No. 20, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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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. Gopal Kumar Jha, 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 Suppl. Spl. Excise P.S. Case No. 640 of 2018
registered for the offences punishable under Sections 30 (a)/ 38,
of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information that a huge consignment of intoxicant
substance has been kept in some conspicuous place, raided the
place of occurrence and allegedly 2350 bottles of banned



Codeine contained cough syrup has been recovered from a car. It is further alleged that three persons were also apprehended from the spot.

It is submitted by the learned counsel for the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that the name of the petitioner has been disclosed by the apprehended person and save and except the disclosure made by the apprehended person, no incriminating material has been recovered, which suggests the complicity of the petitioner. It is also submitted that the petitioner is a man of fair antecedent and is in custody since 22.02.2022 and moreover the investigation of the crime is completed and charge-sheet has been submitted.

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 petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover he is in custody since 22.02.2022 having fair antecedent and the investigation of the crime is completed and charge-sheet has



been submitted, 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 learned Special Excise Court 1st, Araria connection with Suppl. Spl. Excise P.S. Case No. 640 of 2018, arising out of Araria P.S. Case No. 313 of 2018, 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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