

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28711 of 2022

Arising Out of PS. Case No.-91 Year-2020 Thana- BELA District- Sitamarhi

OM THAKUR @ OMPRAKASH THAKUR Son of Sugandhan Thakur
Resident of Village- Ramnagara, P.S. - Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

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. Devendra 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 Bela P. S. Case No. 91 of 2020 registered for the offences punishable under Sections 272, 273 and 414 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 Police party was on patrolling duty, intercepted a motorcycle and on search, 327 litres Nepali Saufi wine was recovered. It is further alleged that the co-accused Pramod Kumar, who was riding a motorcycle has been arrested at the spot and he disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious and constructive possession and save and except the disclosure made by the apprehended co-accused person, there is no other material suggesting the complicity of this petitioner in this case. It is further submitted that the petitioner has absolutely clean antecedent and he is in custody since 12.03.2022.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at spot nor any incriminating material has been recovered from his person or possession and this petitioner bears fair antecedent and is in custody since 12.03.2022 and moreover, the investigation of the crime is completed and the



charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. 1, Sitamarhi in connection with Bela P. S. Case No. 91 of 2020, 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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