

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29448 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- DUMRA District- Sitamarhi

=====

Kausal Rai @ Sahil Kumar, Son of Baidnath Rai, Resident of Village-
Majhulia Gosaipur, Police Station- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Dhananjay Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Dumra P.S. Case No.120 of 2022 registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, it is alleged that while the
police was in patrolling duty, on a secret information, they
conducted a raid and on search being made 495.360 litres of
Indian made foreign liquor was recovered.

It is submitted by the learned counsel appearing on
behalf of the petitioner that the alleged recovery has been made



from an orchard of Sitaram Mahto, which is 4 KM away from the house of the petitioner. It is next submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is lastly submitted that this petitioner is in custody since 14.03.2022 having fair antecedent and moreover the investigation of the crime is already 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 alleged recovery has been made from an orchard, which is quite away from the house of the petitioner and does not belong to the petitioner and moreover this petitioner is in custody since 14.03.2022 having clean antecedent, apart from the fact that investigation of the crime is already 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 Judge, Exclusive Special Excise Court No.1, Sitamarhi in connection with Dumra P.S. Case No. 120 of 2022, 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 physically 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)

uday/-

U		T	
---	--	---	--

