

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28725 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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ANKIT KUMAR Son of Chandra Bhushan Mahto Resident of Village - Ward
no.07, khajahanpur, P.s.- Cheriabariyarpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP.

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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. Randhir Kumar No.1, 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 Cheriabariyarpur P. S. Case No. 131 of
2021 registered for the offences punishable under Section 30 (a)
of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
Police, on as secret information, conducted a raid in the house
of co-accused Sumitra Devi and on search, 425.310 litres Indian
made foreign liquor was recovered. On interrogation, she
disclosed the name of the petitioner and one another person.



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 person or possession and so far the recovery, which is said to have been made from the house of co-accused person Sumitra Devi is concerned, the same is recovered from a joint family house. It is further submitted that only because of the fact that the co-accused Sumitra Devi being grand-mother of the petitioner, his name has been implicated in this case. It is next submitted that other co-accused persons Sumitra Devi and Chandrabhushan Mahto have already been granted regular bail as well as anticipatory bail by learned co-ordinate Bench of this Hon'ble Court and the petitioner is in custody since 25.04.2022, having fair antecedent.

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 name of the petitioner has been disclosed by co-accused persons and moreover, the recovery has been made from joint family house and other co-accused persons have already been granted bail by this Hon'ble Court, 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 Exclusive Excise Judge-I, Begusarai in connection with Cheriabariyarpur P. S. Case No. 131 of 2021, 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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