

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29440 of 2022**

Arising Out of PS. Case No.-297 Year-2022 Thana- BARHARA District- Bhojpur

Sachin Kumar Gupta son of Ganesh Ji, Resident of Mohalla-Machhua Toli, P.
S. Ara Nagar, District Bhojpur,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Pathak, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 30-06-2022 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. Sunil Pathak, 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 Barahara P. S. Case No. 297 of 2022 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that from the possession of this petitioner and one another co-accused person 13 litres English wine was recovered.



Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the conscious possession of this petitioner rather the recovery has been made from a bag, which was carrying by the co-accused person sitting on a motorcycle. It is further alleged that there is no independent witness to the seizure list in as much as this petitioner has fair antecedent and is in custody since 29.04.2022, though the investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the bag, which was carrying by both the accused persons including this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the investigation of the crime is completed and the charge-sheet has been submitted in this case and moreover, the recovery has been made from the joint possession of both the accused persons, let the petitioner, above named, 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 Exclusive Special Excise Court No. 1, Bhojpur at Ara in



connection with Barahara P. S. Case No. 297 of 2022, 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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