

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30700 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- CHARPOKHARI District- Bhojpur

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Bittu Kumar @ Bitu Kumar Sao @ Bitu Kumar Sah, Son of Upendra Sao @ Upendra Sah, Resident of Village- Bijli Patti, Garhani, P.S.- Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 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. Rajeev Ranjan, learned counsel appearing on behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Charpokhari P.S. Case No. 39 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police on a secret information, raided the house of the petitioner and on search total 22.800 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submits that the alleged recovery has been made from a joint family house wherein several persons reside and the petitioner cannot be held responsible for the same. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious possession. He further submits that there are other infirmities in preparation of seizure list and only because of past criminal antecedent, his name has been implicated in this case and the petitioner himself surrendered in the court below on 31.03.2022, and since then he is in custody.

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 a joint family house and moreover the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious possession and he is in custody since 31.03.2022, 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 Exclusive Special Excise Court-I, Bhojpur at Ara in connection with Charpokhari



P.S. Case No. 39 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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