

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30760 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- RAJAON District- Banka

TALA MURMU @ TALA BABU Son of Suraj Murmu Resident of village -
Amwar, P.S.- Paraiya Hat, District - Godda (Jharkhand) Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate.

For the Opposite Party/s : Mr. Akbar Ali, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 26-08-2022 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. Brij Nandad Prasad, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Rajoun (Nabada O.P.) P. S. Case No. 07
of 2022 registered for the offences punishable under Sections 30
(a) and 32(2) of the Bihar Prohibition and Excise (Amendment)
Act.

As per the prosecution case, it is alleged that in
course of patrolling duty, the police intercepted a tempo,
however, on noticing the police party, the accused persons tried
to flee away but later on, they apprehended and on interrogation,
the driver of the said tempo disclosed his name as Birendra



Singh and the petitioner was apprehended from the tempo in question. On search, total 93.750 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was one of the passengers on the tempo and so far other passengers, who was/were carrying the illicit wine, they have fled away on seeing the police party and the petitioner having unaware of the same remained sitting in the tempo and arrested by the police. It is next submitted that there is serious infirmities in the preparation of the seizure list and in as much as there is no compliance of Section 100 Cr.P.C. It is further submitted that the petitioner, having fair antecedent is in custody since 06.01.2022.

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 moving from the tempo, which runs for the purposes of carrying passengers and there is no evidence suggesting any connection of the petitioner with the recovered illicit wine and moreover, the petitioner is in custody since 06.01.2022, having



fair antecedent and the investigation of the crime is already 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 Additional District and Sessions Judge-II, Banka in connection with Rajoun (Nabada O.P.) P. S. Case No. 07 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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