

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33253 of 2022

Arising Out of PS. Case No.-197 Year-2017 Thana- RAGHUNATHPUR District- Siwan

Raju Pasi @ Triloki Pasi @ Triloki Chaudhary Son Of Bare Pasi @ Bade Lal
Chaudhary Resident Of Village- Chandauli , P.S- Andar , Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2022 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. Bijay Prakash Singh, 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 Raghunathpur P. S. Case No. 197 of 2017 registered for the offences punishable under Sections 272, 273 and 308 of the Indian Penal Code and Sections 30 (a), 38 and 41



of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information that a huge consignment of Indian made foreign liquor is being brought on truck, intercepted the truck, in question. The persons, who were apprehended at the spot disclosed the name of other accused persons including the petitioner. On search total 2050.920 litres of Indian made foreign liquor was recovered.

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, save and except the disclosure made by the apprehended person that the petitioner along with other accused persons were working as liner, there is no material as such. It is further submitted that even during the course of investigation, no other materials have come against the petitioner and moreover, other accused persons having identical allegation has already been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 1674 of 2018 vide order dated 16.02.2018. It is last submitted that the petitioner, having fair antecedent, is in custody since 06.05.2022.

On the other hand, learned APP for the State



opposes the bail application and submits that this is a case of 2017 and he remained absconded for such a long period.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and save and except the disclosure made by the apprehended person, there is no other material and moreover, the petitioner is in custody since 06.05.2022, having fair antecedent, 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 Additional District Judge Special Excise Court-2, Siwan in connection with Raghunathpur P. S. Case No. 197 of 2017, 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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