

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29525 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- WAJIRGANJ District- Gaya

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Sitaram Das, Son of Ram Jatan Das @ Jatan Das, Resident of Village-
Amaithi, P.S.- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Nand Kumar, 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 the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Shivendra Prasad, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Wazirganj P.S. Case No. 103 of 2022 registered
for the offences punishable under Sections 30 (a), 30(b) and
37(2) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that the police,
on a confidential information that the petitioner used to supply
illicit liquor to different persons, raided the house of Bochkuni
Devi and other persons and on search being made from the
house Bochkuni Devi 35 litres of illicit country made liquor was



recovered. It is further alleged that the police also conducted raid in nearby houses and different quantity of illicit liquor were recovered. It is further alleged that the name of the petitioner was disclosed by the Chaukidar and one another person that it is the petitioner, who used to supply the illicit liquor.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the Chaukidar and one another person, no other material, which suggests the complicity of this petitioner. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in this case and moreover the investigation of the crime is completed and charge-sheet has been submitted. It is next submitted that this petitioner is in custody since 17.03.2022 and so far the other cases are concerned, in which the name of the petitioner has been implicated, in all the cases, the petitioner is on bail.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has been disclosed by the Chaukidar, as supplier of the illicit liquor.



Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and except the disclosure made by the Chaukidar, there is no other material, which suggests the complicity of this petitioner. It is needless to say that the criminal antecedent of a person cannot be sole ground to reject the prayer for bail and moreover this petitioner is in custody since 17.03.2022, apart from the fact that the investigation of the crime is already completed and charge-sheet has been submitted, 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 Excise Court No.-I, Gaya in connection with Wazirganj P.S. Case No. 103 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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