

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31436 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- MADHWAPUR District- Madhubani

=====

HARI KUMAR GUPTA S/o- Lalbabu Gupta @ Lalbabu Prasad Resident of
Village - Balawa, P.S.- Madhwapur, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, 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. Bhavesh Kumar Sah, 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 Madhawapur P. S. Case No. 42 of 2022
registered for the offences punishable under Sections 272, 273
of the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that in
course of patrolling duty the police personnels saw that some



persons were coming from Nepal to India carrying some articles on his head, they tried to intercept them, however, taking advantage of darkness other accused person succeeded in fleeing away and this petitioner was apprehended at the spot. It is further alleged that on search, total 99 litres Nepali country-made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that the various persons were shown coming from the Nepal to India carrying some articles on their head and on noticing them they fled away, which shows that the alleged recovered wine belongs to the persons, who by throwing the same succeeded in fleeing away but unfortunately on suspicion the petitioner, who is only passer-by has been arrested by the police. It is next submitted that the petitioner having fair antecedent, is in custody since 27.03.2022. It is also submitted that apart from the various other infirmities in the seizure list the case is based on suspicion and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

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 nature of allegation as also the fact that the petitioner is in custody since 27.03.2022, having fair antecedent, though the investigation of the crime is already completed and the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Madhubani in connection with Madhawapur P. S. Case No. 42 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)

shakir/-

U		T	
---	--	---	--

