

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31292 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- ANDHRAMATH District- Madhubani

RAM LAL SAFI Son of Phani Lal Safi Resident of Village - Nareie, Narhi,
P.S. - Andhramath, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh, 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. Jitendra Kumar Bharti, 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 Andhramath P. S. Case No. 43 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 the SSB personnel, on noticing that two persons coming on a



motorcycle carrying a bag, intercepted them, however, one of the persons leaving the motorcycle fled away and the petitioner was apprehended by the SSB personnel. It is further alleged that on search, total 60 litres Nepali Soufi wine was recovered from the bag allegedly carried by the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner and only on account of some altercation, which took place between the SSB personnel and the petitioner at the time of crossing of the border, the name of the petitioner has been implicated in this case. It is next submitted that the petitioner has neither any concern with the motorcycle nor with the recovered illicit wine, apart from the fact that there is other infirmities in preparation of the seizure list, in as much much there is no compliance of Section 100 of the Cr.P.C.. It is further submitted that the petitioner has one past criminal antecedent and is in custody since 22.03.2022, and the investigation of the crime is already completed.

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 is in custody since 22.03.2022 and he has neither any concern with the motorcycle nor with the alleged recovered wine and furthermore, after completion of the investigation, 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 Special Judge Excise, Jhanjharpur, District- Madhubani in connection with Andhramath P. S. Case No. 43 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.

- (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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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