

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31317 of 2022

Arising Out of PS. Case No.-240 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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SUDHIR KUMAR Son of Ram Pukar Sahani Resident of Village - Chaturi
Punas, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate.
For the Opposite Party/s : Mr. Mohammed Arif, APP.

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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. Hari Kishore Thakur, 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 Excise P. S. Case No. 240 of 2022 (P.R.
No. 30 of 2022) registered for the offences punishable under
Sections 30 (a) and 30 (c) of the Bihar Prohibition and Excise
(Amendment) Act.

As per the prosecution case, it is alleged that the



police in course of patrolling duty, received a confidential information and raided hut of the co-accused and on search 2 litre Chulai liquor, 1 kg. Salmoc Tablets and 0.5 Kg. Prestige instant yeast were recovered. It is also alleged that the petitioner was apprehended by the police at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the alleged hut from where recovery has been made does not belong to the petitioner as the same is situated on a Government land by the side of Gandak river and the petitioner has neither any concern with the hut, in question, nor with the alleged recovered incriminating materials. It is next submitted that the petitioner having absolutely clean antecedent, is in custody since 11.03.2022 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 fact that the hut from where recovery has been made does belong to the petitioner and he is in custody since 11.03.2022, having fair antecedent, 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 Special Judge, Excise Court No-II, Muzaffarpur in connection with Excise P. S. Case No. 240 of 2022 (P.R. No. 30 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.

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(Harish Kumar, J)

