

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32131 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- RAGHOPUR District- Supaul

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Arun Kumar Jaiswal @ Arun Choudhary, Son of Late- Narayan Choudhary,
Resident of village- Raghapur, P.S. - Raghapur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

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

period of four weeks from today.

Heard Mr. Arvind Kumar, learned counsel for the
petitioner and learned APP for the State through video
conference.

The petitioner seeks regular bail, who is in custody in
connection with Raghapur P.S. Case No. 159 of 2021 registered
for the offences punishable under Sections 30 (a), 38(i), 41(i) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on
a secret information that some persons are engaged in unloading
of huge quantity of illicit liquor from a truck in Kushwaha Rice
Mill, raided the place of occurrence and apprehended two
persons, namely, Prakash Ranjan Yadav and Vikash Kumar



Yadav and total 1852.500 litres of Indian made foreign liquor was recovered. It is further alleged that the apprehended persons disclosed the name of the petitioner, as owner of the illicit liquor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover the alleged recovery has been made from a truck, parked near Kushwaha Rice Mill, which does not belong to the petitioner. It is next submitted that the petitioner has neither any concern with the alleged liquor nor with the truck and so far the other six criminal cases are concerned, in fact in all the cases, the name of the petitioner has been implicated after institution of this case. It is lastly submitted that the petitioner is in custody since 30.01.2022 and prior to the institution of this case, the petitioner had no criminal antecedent.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and moreover he has confessed that he is engaged in the trade of 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 save and except the disclosure made by the apprehended person, there is no material, which suggests the complicity of the petitioner, 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 Special Judge, Excise Court No.-II, Supaul in connection with Raghapur P.S. Case No. 159 of 2021, 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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