

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32042 of 2022

Arising Out of PS. Case No.-299 Year-2022 Thana- MADHAURAH District- Saran

Nishu Dev, S/o Late Shashi Shekhar Dev, Resident of Mohalla- Mahavir
Colony, Road No. 2, P.O.- Beur, P.S. - Beur, Distt.- Patna- 800002.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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. Hemant Kumar Karan, 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 Marhowrah P.S. Case No. 299 of 2022 registered for the offences punishable under Sections 30, 30 (a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that in course of vehicle checking the police intercepted a Maruti Suzuki SX4 car. On search total 262.320 litres of Indian made foreign liquor



and Beer was recovered. It is further alleged that three persons including the petitioner were apprehended, who were sitting in the car.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the car nor with the illicit wine and Beer, which was loaded in the dicky of the said car. It is next submitted that in fact the petitioner was a passerby, but in course of raid on suspicion he was arrested. It is next submitted that the petitioner is in custody since 16.05.2022, having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted. It is lastly submitted that apart from the other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C.

On the other hand learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 16.05.2022, having fair antecedent, and he has neither any concern with the seized car nor with the illicit wine, though, 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 Special Judge, Exclusive Excise Court No.-II, Saran in connection with Mahowrah P.S. Case No. 299 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.

(Harish Kumar, J)

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