

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32129 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- KISHUNPUR District- Supaul

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Arun Kumar Jaiswal @ Arun Chaudhary, S/o 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 Kishanpur P.S. Case No. 114 of 2021 registered for the offences punishable under Sections 30 (a), 38(i) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018 .

As per prosecution case, it is alleged that the police on a confidential information that at village Murli, the accused persons are engaged in unloading of huge consignment of illicit



liquor, raided the place of occurrence and one Truck and two Magic Vans were seized and on search total 3324.600 litres of Indian made foreign liquor was recovered. It is further alleged that three accused persons were apprehended by the police and co-accused Rohit Kumar Singh disclosed the name of the petitioner.

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 from his conscious or constructive possession. It is further submitted that save and except the disclosure made by the co-accused Rohit Kumar Singh, there is no material, which suggests the complicity of the petitioner nor the petitioner has any concern with the seized vehicle. It is next submitted that the petitioner was firstly arrested in Raghopur P.S. Case No. 159 of 2021 and thereafter he has been remanded in altogether six other cases including the present one. It is lastly submitted that the petitioner is in custody since 07.02.2022 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 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 co-accused, there is no material against the petitioner and he is in custody since 07.02.2022, apart from the fact that 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, Excise Court No.1, Supaul in connection with Kishanpur P.S. Case No. 114 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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