

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31666 of 2022

Arising Out of PS. Case No.-422 Year-2020 Thana- CHAPRA TOWN District- Saran

Md. Gyassuddin Son Of Anwar R/O Village- Mathauli Bazar, P.S.-
Kaptanganj, District- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Pawan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four weeks from today.

A Supplementary affidavit has been filed on behalf of the petitioner bringing on record that due to inadvertence in para-3, the correct position could not be mentioned. However, he submits that the petitioner is named in six other criminal cases and he seeks apology for the same.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Chapra Town P.S.Case No. 422 of 2020 for



the offences punishable under Sections 30(a), 41 (I) (ii) of the Bihar Prohibition & Excise Act.

It is alleged that on confidential information, the petitioner was apprehended and on search 15 liters country made liquor was recovered near the house of Vyas Raj.

Learned counsel for the petitioner submits that the alleged recovery has been made near the house of Vyas Raj and the same does not belong to the petitioner. He further submits that only because of his past criminal antecedent, he has been apprehended by the police. He next submits that there is no compliance of section 100 of the Code of Criminal Procedure in as much as, there is no independent witness to support the prosecution case. He further submits that the petitioner is in custody since 10.08.2020 and after completion of the investigation, charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he has multiple criminal antecedent.

Having heard the rival contentions of the parties and taking into consideration that the alleged recovery has



been made near the house of Vyas Raj and the petitioner is in custody since 10.08.2020, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II Saran in connection with Chapra Town P.S.Case No. 422 of 2020 subject to the condition as follows-

(i) One of the bailors will be the local resident of the territorial jurisdiction of this court.

(ii) The petitioner will cooperate in conclusion of the trial.

(iii) He will remain present on each and every date of trial till disposal of the case.

(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(vi) The Court below shall verify the criminal antecedent of the petitioners 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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