

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40390 of 2022

Arising Out of PS. Case No.-73 Year-2018 Thana- DEODHA District- Madhubani

SHYAM SUNDAR GOHIWAR Son of Ram Narayan Gohiwar Resident of
Village- Usrahi, P.S.- Deodha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate.

For the Opposite Party/s : Mr. Pushpa Sinha. I, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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. Md. Soban Asghar, 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 Deodha P. S. Case No. 73 of 2018 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information, intercepted two motorcycles,



which were carrying bags, however, on noticing the police party the riders of the vehicles succeeded in fleeing away. On search, altogether 105 litres Nepali liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from the person or possession of the petitioner. It is also submitted that in fact, the petitioner had already sold his vehicle, which was seized from the place of occurrence but as the transfer paper was in process, therefore, the ownership of the vehicle still shown in the name of the petitioner due to which, his name has been implicated in this case. It is further submitted that now after completion of the investigation of the crime, charge sheet has been submitted and the petitioner is in custody since 10.05.2022, having fair antecedent.

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

Regarding being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, furthermore, after completion of the investigation,



charge sheet has been submitted, let the petitioner, above named, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Deodha P. S. Case No. 73 of 2018, 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.

(Harish Kumar, J)

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