

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43374 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- PATEPUR District- Vaishali

UTPAL KUMAR S/o Durga Prasad Singh R/o Village- Barbatta, P.S.-
Musrigharari, Dist- Samastipur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Dilip Kumar Roy, Advocate.
For the State : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 20-01-2022 The applicant/accused is given out of turn hearing on the basis of the Medical Certificate showing illness of his mother.

The applicant/accused in Crime No.89 of 2021 registered with Police Station-Patepur for the offences punishable under Sections 30(a), 32(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act, 2018, by this application is seeking his release on bail during the pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that co-accused is already directed to be released on bail in Criminal Misc. No.43965 of 2021 vide order dated 07.01.2022. It is further argued that the applicant is not having any criminal antecedents and the investigation of the crime in question is already over.

The learned A.P.P. opposed the application.



I have considered the submissions so advanced and also perused the materials placed before me.

Along with other vehicles, the vehicle belonging to the applicant was also raided by the police and it is found that the said vehicle is containing 190.80 liters of illicit liquor. The same came to be seized.

The investigation of the crime in question is already over. It is reported that the applicant is having no criminal antecedents. The co-accused in similar situation is already directed to be released on bail. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.89 of 2021 registered with Police Station-Patepur for the offences punishable under Sections 30(a), 32(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act, 2018, be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any



police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant/accused should not contact the members of the prosecuting party as well as the witnesses in this case in any manner till conclusion of the trial.

(IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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