

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36579 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- BAISI District- Purnia

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Ravi Sardar Son Of Vishnu Sardar R/O Village- Gud Milki, P.S.- Maranga,
District- Purnea Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 02-09-2022 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. Ram Prawesh Kumar, 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 Baisi P. S. Case No. 130 of 2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30 (a), 41 and 47 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that 27.960 litres Indian made foreign liquor was recovered from the motorcycle of the petitioner and he was apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the alleged motorcycle from which



recovery is said to have been made does not belong to the petitioner and further, there is no compliance of Section 100 of the Cr.P.C.. It is next submitted that only because of his three past criminal antecedent, his name has been implicated in this case, though, in both the cases, the petitioner is on bail. He last submits that after completion of the investigation, the charge sheet has been submitted and moreover, the petitioner is in custody since 07.04.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is named in three other similar kind of cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 07.04.2022 and moreover, 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 Exclusive Special Excise Judge Court No. 1, Purnea in connection with Baisi P. S. Case No. 130 of 2022, 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.
- (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 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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