

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36709 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- JHANJHARPUR District- Madhubani

BIRENDRA RAM S/O ASARFI RAM Resident of Village- Gadhiya, P.S.-
Andhramath, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate.

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

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. Jitendra Kumar Bharti, 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 Jhanjharpur P. S. Case No. 62 of 2022 registered for the offences punishable under Sections 272 and 273 read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police intercepted a Scorpio vehicle, which is said to be driven



by the petitioner. On search, total 27 litres Nepali liquor was recovered. In course of search from different places/vehicles total 1520 litres illicit liquor was also recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be driver of the Scorpio vehicle, was not even aware as to what was being carried by the owner of the vehicle. It is further submitted that the alleged recovered 27 litres of illicit liquor from the Scorpio vehicle does not belong to him and only on account of past criminal antecedent, his name has been implicated in this case. It is next submitted that there is no independent witness to the seizure list and as such, there is no compliance of Section 100 of the Cr.P.C.. It is last submitted that the petitioner is in custody since 04.04.2022 and after completion of the investigation, charge sheet has been submitted.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner happens to be driver of the Scorpio vehicle from which 27 litres of Nepali wine was recovered and moreover, he is in custody since 04.04.2022, though, the investigation of the crime is



already completed and the 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 Special Judge Excise, Jhanjharpur, District Madhubani in connection with Jhanjharpur P. S. Case No. 62 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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