

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36548 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- MINAPUR District- Muzaffarpur

Sanjeev Kumar Son Of Bharat Rai R/O- Vill- Maksudpur, P.S.- Minapur,
Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate

For the Opposite Party/s : Mr.Madan 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.

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

Petitioner seeks bail in a case registered in
connection with Minapur P.S.Case No. 286 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act.

As per the allegation, it is alleged that the police
apprehended a truck and on search total 4361.91 liters
foreign made liquor was recovered. It is further alleged that
the apprehended co-accused disclosed the name of the
petitioner and other co-accused persons.



Learned counsel for the petitioner submits that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from conscious and constructive possession of the petitioner. He further submits that on account of his past criminal antecedent, his name has been implicated in the present crime. Petitioner has no concern with the alleged recovered liquor or with the seized truck. He next submits that there is no compliance of section 100 of the Code of Criminal Procedure and moreover, after completion of the investigation charge sheet has already been submitted. He is in custody since 31.05.2022.

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

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered and save and except the disclosure made by the co-accused, there is no other material, apart from the investigation of the crime has already



been completed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I Muzaffarpur in connection with Minapur P.S. Case No. 286 of 2021, subject to the condition that one of the bailors will be the close relatives 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)

N.K/-

U		T	
---	--	---	--

