

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36768 of 2022

Arising Out of PS. Case No.-45 Year-2020 Thana- KUDHNI District- Muzaffarpur

Sanjay Raj Son Of Late Maheshwar Singh R/O Village- Chardhua (TOLE
Gausra), P.S.- Kudhani (TURKI O.P.), District- Muzaffarpur (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Gulnar Begum, 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. Arun 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 Kudhani P. S. Case No. 45 of 2020 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the allegation against the petitioner is to be engaged in trade of illicit wine. The police on a secret information recovered



1639.00 litres of Indian made foreign liquor from Mango orchard of Brijnandan Singh & Gajendra Singh of village Pupri.

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 his conscious or constructive possession and save and except the disclosure of the name of the petitioner along with other co-accused persons made by village Choukidar/local people, there is no material against the petitioner. He submits that only on account of his past criminal antecedent of similar kind of cases, his name has been implicated in this case, however, he is on bail in both the cases. It is last submitted that other co-accused persons, having identical allegation have already been granted bail by learned coordinate Bench of this court and this petitioner is in custody since 16.03.2022.

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

Regard being had to the facts that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, other co-accused person having identical allegation has already been granted bail by learned coordinate



Bench of this court, 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 Court No. II, Muzaffarpur in connection with Kudhani P. S. Case No. 45 of 2020, 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)

shakir/-

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

