

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37621 of 2022

Arising Out of PS. Case No.-491 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Rabbani Son Of Akbar Khan @ Akbar Ali Resident Of Village- Pakari
Bengali, P.S.- Mahadeva Op, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-09-2022 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 Ms. Kumari Anupam, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Siwan Muffasil P. S. Case No. 491 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a), 41(1) of the Bihar Prohibition and Excise Act.

The allegation against the petitioner is to be engaged in trading of illicit liquor. The local Chaukidar



disclosed the name of the petitioner and others, who are said to have been fleeing away from the place of occurrence. On search, total 207.360 litres illicit liquor was recovered from a field situated behind the house of Sonu Choudhary.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from an open field situated behind the house of Sonu choudhary, which has no concern with the petitioner. It is next submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered and only on suspicion, his name has been implicated in this case, though, the petitioner having fair antecedent, is in custody since 24.04.2022 and moreover, the investigation of the crime is already completed.

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

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered and save and except the disclosure made by the local Choukidar, there is no other material against the petitioner and moreover, the petitioner is in



custody since 24.04.2022, having fair antecedent, 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 Additional District and Sessions Judge Special Excise Court No. 2, Siwan in connection with Siwan Muffasil P. S. Case No. 491 of 2019, 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)

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