

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37829 of 2022

Arising Out of PS. Case No.-513 Year-2021 Thana- GOPALPUR District- Bhagalpur

Khantar Singh Son of Late Baiju Singh Resident of Village - Chapar Diara,
P.S.- Rangra, District - Bhagalpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-09-2022 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 Rangra O.P (Gopalpur) P.S. Case No. 513 of 2021 for the
offences punishable under Sections 30(a) (b) (c) of the Bihar
Excise (Prohibition) Amendment Act.

The allegation against the petitioner is to be engaged
in manufacturing and selling of country made liquor and on
search total 10 liters country made liquor and other raw
materials and apparatus was recovered.

Learned counsel for the petitioner submits that the
alleged recovery has been made from the joint residential house



of the petitioner where several persons resides and the petitioner cannot be held responsible. It is next submitted that petitioner is neither apprehended at the spot nor any incriminating material has been recovered from conscious possession of the petitioner. He next submits that petitioner having fair antecedent is in custody since 08.11.2021. Moreover, there is no independent witness to the seizure list and the same is prepared in non compliance of section 100 of the Cr.P.C.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Regard being had to the submissions and considering the fact that the petitioner is neither apprehended at the spot nor any incriminating material has been recovered from conscious possession and so far as recovery is concerned, the same has been made from joint family house where several persons resides. Apart from the fact that petitioner having clean antecedent is in custody since 08.11.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Excise 1st Bhagalpur in connection with Rangra O.P (Gopalpur) P.S.Case No. 513 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.

(Harish Kumar, J)

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