

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39101 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- NAVINAGAR District- Aurangabad

Raju Kumar Singh, Son of Kesta Singh, Resident of Village- Kanker, P.S.-
Navinagar (Badem O.P.), District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mrs. Leelawati Kumari, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Navinagar (Badem O.P.) P.S. Case No. 174 of
2022 registered for the offence punishable under Section 30 (a)
of the Bihar Prohibition and Excise (Amendment) Act, 2022.

As per prosecution case, it is alleged that 10 litres of
country made Mahua liquor was recovered from the backside of
the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that from the F.I.R., it would be evident that the alleged



recovery has been made behind the house of the petitioner, which is not within his control and it is an open place, accessible to all. She next submits that the petitioner has neither any concern with the alleged recovered Mahua liquor nor he is indulged in any trade of selling and manufacturing of illegal liquor. She next submits that there is no compliance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016, apart from the other infirmities in preparation of the seizure list. She lastly submits that the petitioner is in custody since 25.05.2022 and moreover the investigation of the crime is already completed and charge-sheet has been submitted and as such there is no chance of absconding and tampering with the evidence.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has found involved in two other criminal cases.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the backside of the house of the petitioner and the petitioner is in custody since 25.05.2022, apart from the fact that the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named



above, 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 Act-I, Aurangabad in connection with Navinagar (Badem O.P.) P.S. Case No. 174 of 2022, 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 physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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