

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38785 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- NIMACHANDPURA District- Begusarai

Pushpak Singh @ Pushpak Kumar Damru Singh @ Dayaram Singh Resident
Of Banduwar, P.S.- Nima Chandpura, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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 through video conferencing.

Petitioner seeks bail in a case registered in connection with Neemachandpur P.S. Case No. 56 of 2021 for the offences punishable under Sections 30(a) of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that in course of patrolling, the police intercepted motorcycle whereupon two persons were riding. However, on noticing the police party both the persons succeeded to flee away.



The local chawkidar has identified them as Rajnish Kumar and pillion rider, Pushpak Singh. On search total 31.20 liters illicit liquor was recovered from a bag found on the motorcycle.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioner. He next submits that only because of two past criminal antecedent of similar nature the name of the petitioner has been implicated in this case. Save and except, the disclosure made by local chawkidar, there is no other material suggesting the complicity of the petitioner. He next submits that petitioner has neither any concern with the motorcycle nor recovered liquor and he is in custody since 28.01.2022. Investigation of the crime is already completed.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has named in two another cases.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner



has neither any concern with the motorcycle nor recovered liquor, moreover he is in custody since 28.01.2022, 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 Special Judge, Excise-II Begusarai in connection with Neemachandpura P.S. Case No. 56 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)

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