

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41642 of 2022

Arising Out of PS. Case No.-197 Year-2017 Thana- RAGHUNATHPUR District- Siwan

Balavant Singh Son Of Sheh Nath Singh R/O Village- Basopatti, P.S.-
Bankata, District- Deoria (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-09-2022 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 Mr. Shailendra Kumar Dwivedi, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Raghunathpur P.S. Case No. 197 of 2017, for the offences punishable under Sections 272, 273 and 308 of the Indian Penal Code and Section 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is to be engaged in trade of illicit wine. The police on a secret information that a huge consignment of Indian made foreign liquor is being brought on truck, in question. The person, who were



apprehended at the spot disclosed the name of other accused persons including the petitioner. On search total 2050.920 liters of Indian made foreign liquor was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that save and except the disclosure made by apprehended co-accused persons, there is no material showing the complicity of the petitioner in the present crime. He further submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious and constructive possession and moreover, the other co-accused person having identical allegation has already been granted privilege of bail by this court in Cr. Misc. No. 33253 of 2022, vide order dated 31.08.2022. He last submitted that the petitioner is in custody since 25.05.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession and save and



except the disclosure made by the apprehended person, there is no material and moreover, the investigation of the crime is complete 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 Additional District & Sessions Judge-Special Excise Court-2, Siwan in connection with Raghunathpur P.S. Case No. 197 of 2017, 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 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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