

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39526 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- PARIHAR District- Sitamarhi

Aditya Raj @ Aaditya Raj, Son of Dinesh Chaudhary, Resident of Village-
Vishwanathpur, Ward No.6. P.S.- Dumra, Distt.- Sitamarhi. .. Petitioner/s
Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, 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 Mr. Santosh Kumar, 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 Parihar P.S. Case No. 123 of 2022 for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, the SSB police personnel
intercepted the petitioner, who was riding on a motorcycle and
on search, total 60 litres Nepali Saufi liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submits that in fact nothing has been recovered from the person
or possession by the petitioner and only while crossing the



India-Nepal border, some altercation has taken place between the SSB personnel and the petitioner and on account of that his name has been implicated in this case, showing the recovery from his possession. He next submits that the investigation of the crime is already completed and the charge sheet has been submitted and there is no chance of absconding of the petitioner and tampering with the evidence and, moreover, he is in custody since 21.05.2022 and there is no likelihood of commencement of trial in near future and, as such, keeping the petitioner behind the bar would serve no purpose.

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 considering the fact that the investigation of the crime is already completed and charge sheet has been submitted and, as such, keeping the petitioner behind the bar would serve no purpose, 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 I/C Special Judge Exclusive Special Excise Court-1, Sitamarhi in connection with Parihar P.S. Case No. 123 of 2022 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.

(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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