

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39786 of 2022

Arising Out of PS. Case No.-354 Year-2022 Thana- ARA NAGAR District- Bhojpur

Binod Kumar, Son of Late Shobh Nath Yadav, Resident of Village-
Bhaluhipur, P.S.- Ara Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 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. Mritunjay Kumar Jha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Ara Town P.S. Case No. 354 of 2022 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the
police on a secret information with regard to selling of wine,
conducted a raid and, on search, 10 litres of Mahua wine, from
the outside of the house of the petitioner, was recovered.

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 outside the house of the petitioner which was not within his control. He further submits that the petitioner is a handicapped person and unable to move without the help. He further submits that there is no compliance of Section 100 of the Cr.P.C., apart from defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. It is next submitted that only because of one past criminal antecedent, the petitioner has been apprehended on suspicion, though after completion of the investigation, charge-sheet has been submitted, however, he is in custody since 21.04.2022.

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 10 litres of Mahua wine was recovered outside the house of the petitioner and he is in custody since 21.04.2022, 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 Exclusive Special Judge, Court No. I, Bhojpur, Ara in connection with Ara Town P.S. Case No. 354 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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