

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40820 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- KHAJEKALA District- Patna

Md. Guddu Son of Md. Antu @ Antu Resident of Pakki Gouraiya, Near Masjid, P.S.- Khajekala, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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. Harish 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 Khajekala P.S. Case No. 166 of 2022, for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise Act.

 The police on a secret information having seen a person carrying a cart loaded with two cartoons, intercepted him and on search total 280 liter of country made illicit wine was recovered.



It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that the petitioner was apprehended after a long chase by the police, which suggests that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession. In fact the petitioner was a passerby, but only on suspicion, he has been apprehended by the police and he is having fair antecedent, is in custody since 02.05.2022. He further submitted that now the investigation of the crime is already complete and the charge-sheet has already been submitted and there is no chance of absconding of the petitioner and tempering with the evidence. He also submitted that there is non compliance of Section 100 of the Cr.P.C., apart from defiance of section 81 and 82 of the Bihar Prohibition and Excise Act.

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 investigation of the crime is already complete and the charge-sheet has been submitted, apart from the petitioner having fair antecedent, is in custody since 02.05.2022, let the petitioner, named above, be



released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sepcial Judge, Excise, Panta City, in connection with Khajekala P.S. Case No. 166 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 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.

(Harish Kumar, J)

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