

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39745 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

Sanjeev Kumar, Son of Bishwanath Laldev Yadav, Resident of Village -
Piprahi, Ward No.- 01, P.S.- Ratanpur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Parul Prasad, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, 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 Ms. Parul Prasad, 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 Supaul P.S. Case No. 64 of 2022 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police
on an information that some persons are engaged in trade of
illicit wine through the boats, apprehended one boat and on
search, total 180 litres of Nepali Sofi wine was recovered. Two



persons, including the petitioner, were also apprehended from the boat.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any connection with the boat nor with the alleged recovered liquors, which were said to be smuggled. She next submits that no offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 is made out against the petitioner. Further the petitioner, having fair antecedent, is in custody since 27.05.2022, moreover, the investigation of the crime is already completed and charge-sheet has been submitted and, as such, there is no chance of absconding of the petitioner and tampering with the evidence. She next submits that the petitioner is ready to give undertaking that he will co-operate in the investigation and as also in course of trial.

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 alleged recovery has been made from a boat, which does not belong to the petitioner and there is no other material suggesting the complicity of the petitioner with the alleged recovered illicit



wine, apart from the petitioner, having fair antecedent, and the period of incarceration, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge (Excise) No. II, Supaul in connection with Supaul P.S. Case No. 64 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.

(Harish Kumar, J)

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