

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41848 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

SAURAV KUMAR Son of Krishna Kant Yadav Resident of Village -
Parmanandpur, P.S.- Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Adv

For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Surya Narayan Yadav, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Industrial Area P. S. Case No. 99 of 2022
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police, on a secret information that some persons are carrying
illicit wine in a car, intercepted a gray coloured Skoda car



bearing registration no. DL8C X-1771. On search, total 87.75 litres Indian made foreign liquor was recovered. It is also alleged that two persons including the petitioner sitting on the said car were apprehended.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has neither any concerned with the car nor with the recovered illicit wine, however, he being a passer-by apprehended by the police only on suspicion. It is also submitted that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of Section 81-82 of the Bihar Prohibition and Excise Act, 2016. It is further submitted that the petitioner having fair antecedent, is in custody since 24.05.2022, though, the investigation of the crime is already completed and the charge sheet has been submitted and there is no likelihood of commencement of trial in near future.

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 taking into account the fair antecedent of the petitioner and the investigation of the crime is already completed and the charge sheet has been submitted and there is



no likelihood of commencement of trial in near future, let the petitioner, above named, 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 Special Judge, Excise-I, Bhagalpur in connection with Industrial Area P. S. Case No. 99 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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