

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40598 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- MASHRAK District- Saran

Hemant Rai Son Of Late Paras Rai Resident Of Village - Chand Kudariya,
P.S. Mashrak, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Mashrak P.S. Case No. 181 of 2022 for the offences punishable under Sections 30, 30(a), 41 of the Bihar Excise (Prohibition) Amendment Act.

The police on a secret information with regard to trade and storage of illicit liquor raided the place of occurrence and on search 900 liters country made liquor was recovered from a canal adjacent to the house of Bhola



Nut. It is further alleged that on noticing the police party other persons succeeded in fleeing away.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession. He further submits that the name of the petitioner has been implicated on the basis of secret information and save and except the suspicion, there is no other material against the petitioner. He further submitted that only because of the past criminal antecedent, as the petitioner is named in seven other cases, his name has also been implicated in this case without having any material which shows the high handedness of the police. It is also submitted that the petitioner has neither any concern with the illicit liquor nor with the accused persons of the FIR and moreover, recovery has been made from an open place which is accessible to all. He last submits that the investigation of the crime is already completed and the charge sheet has been submitted and the petitioner is in custody since 31.05.2022.

On the other hand, learned counsel for the State



opposed the bail application and submits that petitioner has multiple criminal antecedent.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. and after completion of investigation charge sheet has been submitted in as much as criminal antecedent of a person cannot be a sole ground to keep the person behind the bar for indefinite period, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Special Judge, Excise Saran at Chapra in connection with Mashrak P.S.Case No. 181 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.

(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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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