

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41471 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- JAYNAGAR District- Madhubani

ASHOK SINGH Son of Bindeshwar Singh Resident of village - Laxmipur,
P.S.- Jainagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

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. Ratanakar Jha, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioner seeks permission to make necessary correction in paragraph 13 of the application.

Permission is accorded.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Jainagar P. S. Case No. 42 of 2022 registered for the offences punishable under Sections 414 of the



Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on an information with regard to trafficking of illicit liquor, intercepted two persons, who were coming on a motorcycle and one bicycle loaded with a sack. The petitioner was apprehended at the spot. On search altogether 17.1 litres Nepali Soufi liquor was recovered from the sack, which was loaded on the bicycle and 24 litres from the motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of the petitioner, however, only on account of his past criminal antecedent, his name has been implicated in this case. It is also submitted that on the alleged date of occurrence, while he was going on his bicycle, in the meantime, some persons were apprehended with the illicit liquor and as he was standing by the side of the road, he was also apprehended and thereafter, his name has been implicated in this case showing the recovery of illicit liquor. It is further submitted that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of the Sections 81 and 82 of the Bihar Prohibition and excise Act. It is last submitted that now,



after completion of the investigation, charge sheet has been submitted, though, the petitioner is in custody since 16.02.2022.

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 taking into account the fact that the investigation of the crime is already completed and the charge sheet has been submitted and so far the cases, which have been mentioned in paragraph no. 3 of the application, are concerted, in all the cases, the petitioner is on bail, 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 Additional District and Sessions Judge- II-cum-Special Judge, Excise Act, Madhubani in connection with Jainagar P. S. Case No. 42 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 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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