

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41483 of 2022**

Arising Out of PS. Case No.-104 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Abhay Kumar, S/O Shyambabu Bhagat, Resident of village- Sinduari Ganj,  
P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, 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. Sunil Kumar Pandey, 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 Motipur P.S. Case No. 104 of 2022, registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 36 of the Bihar Prohibition and Excise Act, 2016-2018.

The police on a secret information that two persons are carrying illicit wine on a motorcycle, apprehended them with motorcycle. On search total 30.420 litres of illicit foreign



liquor was recovered. It is alleged that the petitioner and one another person was apprehended at the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is co-villager of the co-accused, namely, Ujjawal Kumar, and he was seated on the motorcycle without having knowledge that co-accused is carrying illicit liquor, though the petitioner has no concern with the same. He further submits that the petitioner, having fair antecedent, is in custody since 16.03.2022 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. He lastly submits that there is no other infirmities in the preparation of seizure list, apart from defiance of Section 100 of the Cr.P.C.

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 the investigation of the crime is already completed and charge sheet has been submitted and the petitioner is in custody since 16.03.2022, 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 Special Judge, (Excise) Court No.-II, Muzaffarpur, in connection with Motipur P.S. Case No. 104 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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