

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52088 of 2021

Arising Out of PS. Case No.-142 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Pintu Kumar S/O Sri Ram Lohan Prasad R/O Village- Sodhana Madhopur,
P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-08-2022 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.

At the very outset learned counsel for the petitioner submits that on account of inadvertence in Paragraph 7 and 14 as also in the prayer portion year of P.S case has been wrongly typed as Siwaipatti P.S.Case No. 142 of 2021 instead of Siwaipatti P.S.Case No. 142 of 2019.

In view of the aforesaid submission, let the Siwaipatti P.S.Case No. 142 of 2021 be read as Siwaipatti P.S.Case No 142 of 2019.

A supplementary affidavit has also been filed on



behalf of the petitioner as due to inadvertence the relationship of the petitioner with the deponent has been wrongly mentioned in the affidavit.

Petitioner seeks bail in a case registered in connection with Siwaipatti P.S.Case No. 142 of 2019 for the offences punishable under Sections 272, 273, 420, 120B of the Indian Penal Code and section 30(a) and 33 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police on secret information that the petitioner and other two persons were engaged in trade of illicit liquor and on search total 2040 liters raw spirit has been recovered from a field and an orchard of Ram Lochan Prasad and Satya Narayan Paswan.

Learned counsel for the petitioner submitted that petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession rather the recovery has been made from a field and an orchard which exclusively do not belong to the petitioner. It is further submitted that the field / orchard is an open place, accessible to all. It is next submitted that



only because of the past criminal antecedent, petitioner has been implicated in this case and save and except the criminal antecedent of the petitioner, there is no other material. It is lastly submitted that petitioner is in custody since 26.06.2021, though the investigation is already completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has multiple criminal antecedent.

Having heard the rival contentions of the parties and taking into consideration the fact the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession rather the recovery has been made from open place which do not belong to the petitioner. Moreover, he is in custody since 21.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur in connection with Siwaipatti P.S. Case No. 142 of 2021. 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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