

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44173 of 2022**

Arising Out of PS. Case No.-161 Year-2022 Thana- MINAPUR District- Muzaffarpur

Bhola Kumar @ Sajjan, Son of Sonelal Bhagat, R/v- Motipur Bathna, P.S-
Motipur, Dist- Muzaffarpur Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 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. Arun Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seek regular bail, who are in custody in connection with Minapur P.S. Case No. 161 of 2022 registered for the offences punishable under Sections 414, 272, 273, 34 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act 2018.

In course of patrolling, the police on a secret information intercepted a four wheeler and a motorcycle and on search total 194 litres of Indian made foreign liquor was recovered. It is further alleged that one 'Sanjay Bhagat' who is said to be driver of the four wheeler was apprehended at spot and he disclosed the name of other associates, including the



petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered and save and except the disclosure made by the apprehended person, there is no material against the petitioner. He next submits that only because of one past criminal antecedent of similar nature, the name of the petitioner has been implicated in this case. He further submits that now the investigation of the crime is already complete and charge-sheet has been submitted though the petitioner is in custody since 13.04.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the apprehended person, there is no material against him, 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 Exclusive Special Excise Court No. 1,



Muzaffarpur in connection with Minapur P.S. Case No. 161 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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