

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41962 of 2022

Arising Out of PS. Case No.-288 Year-2020 Thana- KAMTAUL District- Darbhanga

Mintu Kumar Jha Son of Harinath Jha Resident of Village - Matrahari
Ranipur, P.O. and P.s.- Benipatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 At the very outset, learned counsel for the petitioner filed supplementary affidavit bringing on record that on account of inadvertence, the quantity of the recovered liquor has been wrongly mentioned as 1630 liters in place of 1664 liters. Supplementary affidavit is kept on record.

Let the defects, if any, be removed within four weeks from today.

Heard Mr, Santosh Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Kamtaul P.S. Case No. 288 of 2020 for the offences punishable under Sections 30(a), of the Bihar



Prohibition & Excise Amendment Act.

The police on a secret information with regard to trafficking of illicit liquor, intercepted a Bolero Pick Up Vehicle bearing registration number BR06GA1877 and on search 1664 liters illicit Nepali liquor was recovered. It is alleged that persons, who were sitting in the vehicle succeeded in fleeing away.

Learned counsel for the petitioner submits that the petitioner being registered owner of the bolero vehicle has been implicated in this case, though neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his possession. He further submits that the vehicle in question runs from the commercial purposes by the driver and he was not even aware as to what was being carried by him without any information given to him and as such he has no concern with the recovered liquor. He next submits that petitioner having fair antecedent is in custody since 28.03.2022 and the investigation of the crime is complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State



opposed the bail application.

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 save and except he being owner of the vehicle, which runs for transportation of goods by the driver, there is no other material against him and moreover, the petitioner having fair antecedent is in custody since 28.03.2022, 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 Exclusive Special Judge, Excise-I Dharbhanga in connection with Kamtaul P.S.Case No. 288 of 2020 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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