

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41517 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- VIDYAPATINAGAR District- Samastipur

Raju Kumar Son of Vinod Kumar Thakur Resident of Village - Morwah Dih,
P.s.- Tajpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda, Advocate.

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 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. Zeyaul Hoda, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Vidyapatinar P.S. Case No. 48 of 2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

In course of patrolling, the police party saw that a Tata pick up vehicle was making *tochan* of another Tata pick up vehicle, whose body was covered with a *Tripal*. On suspicion



both the pick van were intercepted and on search total 1638 liters Indian made foreign liquor was recovered from Tata pick van bearing Registration No. BR-06GB-3477.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious and constructive possession. He further submitted that in fact the pick up van from which recovery has been made runs for transportation of the goods and prior to the alleged occurrence the ownership of the vehicle was already transferred in the name of Saurabh Kumar Singh for a consideration amount of Rs.2,60,000/- and in this regard a deed of agreement of sale has been brought on record by way of Annexure-2 to this petition. He also submitted that only on account of past criminal antecedent, his name has been implicated in this case, though the petitioner is on bail in the said case. He last submitted that the investigation of the crime is already complete and the charge-sheet has been submitted, though the petitioner is in custody since 04.06.2022 and as such keeping the petitioner behind the bar would serve no further purpose.

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 petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession and prior to the alleged occurrence the vehicle was already sold to one Saurabh Kumar Singh and the petitioner is in custody since 04.06.2022, let the petitioner, named above, 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 Special Excise Court-I, Samastipur, in connection with Vidyapatinagar P.S. Case No. 48 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)

manoj/-

U		T	
---	--	---	--

