

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41752 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- CHAKAI District- Jamui

Sukra Tudu, Son of Late Modi Tudu, Resident of village- Nanhiya, P.S.-
Chakai, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, 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. Pankaj Kumar Sinha, learned counsel for
the petitioners and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Chakai P.S. Case No. 126 of 2022 registered for
the offence punishable under Sections 272, 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

The police on a secret information, raided the house
of the petitioner and on search 10 litres of country made liquor
was recovered. The petitioner was apprehended at the spot.

Learned counsel appearing on behalf of the petitioner
submits that the alleged recovery has been made from a joint



residential house where other family reside and as such the petitioner cannot be made responsible for the same. He next submits that in fact on account of his past criminal antecedent of similar nature of crime, the name of the petitioner has been implicated in this case, though the petitioner is on bail in the earlier case. He next submits that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He lastly submits that the petitioner is in custody since 06.06.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint residential house and the investigation of the crime is already completed and the charge-sheet has been submitted, 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 Chief Judicial Magistrate, Jamui in connection with Chakai P.S. Case No. 126 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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