

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41727 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- FATEHPUR District- Gaya

Kirani Kumar, Son of Mundrika Yadav @ Mundari Yadav, R/o Village- Sarne,
P.S.- Fatehpur, District- Gaya, At present R/o Village- Bigha, P.S.- Chauparan,
District- Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, 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. Ajay Kumar Sinha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Fatehpur P.S. Case No. 316 of 2022 registered
for the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The police in course of vehicle checking, intercepted
two persons, including the petitioner, who were coming on a
motorcycle. The petitioner was apprehended at the spot and the
another person succeeded in fleeing away and on search total



100 litres of Mahua liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the person or possession of the petitioner, however in course of vehicle checking, some altercation took place between the petitioner and the police personnel and thereafter his name has been implicated in this case, showing the recovery from the motorcycle. He further submits that the petitioner has neither any concern with the illicit liquor nor he is having any criminal antecedent showing the involvement of the petitioner in such type of crime. He further submits that the petitioner is in custody since 23.05.2022 and after completion of the investigation, charge-sheet has been submitted and, as such, keeping the petitioner behind the bar would serve no further purpose.

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 investigation of the crime is already completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 Exclusive Special Excise Court No.1, Gaya in connection with Fatehpur P.S. Case No. 316 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 physically 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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