

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41662 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- DEO District- Aurangabad

Shailendra Kumar, Son of Badhan Manjhi, Resident of village- Kaishar, P.S-
Amas, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar 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. Pramendra Kumar Singh, learned counsel for the petitioners and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Deo P.S. Case No. 73 of 2022 (G.R. No. 332 of 2022) registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The petitioner is said to be engaged in trade of illicit liquor. The police in course of vehicle checking, intercepted a tempo, however, on noticing the police party, some persons started fleeing away and this petitioner was apprehended at spot. On search, total 138.9 litres of country made liquor was



recovered. It is also alleged that, thereafter, in course of vehicle checking, other vehicles were also intercepted and on search different quantity of illicit liquors were recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is neither the registered owner of the tempo nor has any concern with the illicit wine. He further submitted that on the alleged date of occurrence while he was moving on the said tempo as a passenger, in the meantime, the police intercepted it and the persons who were carrying some incriminating articles, on noticing the police party, succeeded in fleeing away, but the petitioner, being bona fide passenger, remained seated there and apprehended by the police. He next submits that the petitioner having fair antecedent, is in custody since 31.03.2022 and the investigation of the crime is complete and charge-sheet has been submitted, apart from the fact that there is no independent witness to the seizure list.

On the other hand learned APP for the State vehemently oppose the bail application and submits that the petitioner is one of the member of a syndicate, involved in trafficking of illicit wine.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has



neither any concern with the tempo in question nor with the illicit liquor and, moreover, the petitioner having fair antecedent, is in custody since 31.03.2022 and the investigation of the crime is completed and 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 Special Judge Excise-I, Aurangabad in connection with Deo P.S. Case No. 73 of 2022 (G.R. No. 332 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.

(Harish Kumar, J)

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