

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42957 of 2022

Arising Out of PS. Case No.-150 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Akhilesh Kumar, Son of Ramaishwar Ray, Resident of village- Mahua Singh
Rai, Ward No. 1, P.S- Mahua, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 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. Ravish Mishra, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with C 2 A No. 150 of 2020 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per the prosecution case, it is alleged that the
police on a confidential information raided the house of the
petitioner and on search from a pit close to Bathan of the house



of the petitioner 375.480 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it would be evident that the alleged recovery has been made from a pit which was close to the Bathan of the petitioner and the same was accessible to all and sundry, apart from the fact that the Bathan was not within the exclusive control of the petitioner. He next submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession and, moreover, the petitioner is in custody since 24.06.2022 and now the investigation is already complete and charge-sheet has been submitted. He next submits that there is non compliance of Sections 81 and 82 of the Bihar Prohibition and Excise Act.

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

Regard being had to the submission made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, which is accessible to all and, moreover, the petitioner is in custody since 24.06.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted and as such



keeping the petitioner behind the bar would serve no further purpose, 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 Judge Excise (Second) – cum – Additional District and Sessions Judge, Hajipur at Vaishali in connection with C 2 A No. 150 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.

(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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