

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43177 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- KANTI District- Muzaffarpur

Abhilash Son of Rajendra Resident of Village - Sidhhipur Bahadurganj, P.s.-
Sadar, Distt.- Jhajhar, Haryana.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sri Niwas Jha, Advocate.

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

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. Niwas Jha, 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 Kanti P.S. Case No. 196 of 2022 (GR No. 408
of 2022), registered for the offences punishable under Sections
30(a) 32(I)(II), 36 and 41(I) of the Bihar Prohibition and Excise
Act.

The police on a secret information intercepted a Safari
car bearing Registration No.UP-93U-6297 and recovered total
420.750 liters illicit foreign liquor was recovered. In course of



raid one person who was also apprehended, disclosed the name of the petitioner and others, allegedly succeeded in fleeing away.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession and save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner and moreover, the petitioner having fair antecedent, is in custody since 29.03.2022 and now the investigation of the crime is already complete and the charge-sheet has been submitted

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 the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession and moreover, the petitioner having fair antecedent, is in custody since 29.03.2022, 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 Exclusive Special Excise Court No.II, Muzaffarpur in connection with Kanti P.S. Case No. 196 of 2022 (GR No. 408 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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