

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42379 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- MASHRAK District- Saran

Bhola Nat Son of Santlal Nat Resident of Village- Sisai, P.s.- Masrakh, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Masrakh P.S. Case No. 181 of 2022 for the offences punishable under Sections 30(a), of the Bihar Prohibition & Excise Act 2016.

The police on a secret information conducted raid on the house of the petitioner, however on noticing the police party, the accused persons started keeping the gallons in Scorpio and Wagon -R Car and on seeing the



police party, they managed to flee away and on search total 900 liters country made liquor was recovered from bush near the house of the petitioner.

Learned counsel for the petitioner submits that from the FIR, it would be evident that the alleged recovery has been made from the bush near the house of the petitioner and no recovery has been made from his conscious or constructive possession of the petitioner. He further submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered however, only on account of past criminal antecedent of similar nature, his name has been implicated in this case. He next submits that there are various infirmities in the preparation of seizure list. He last submits that the petitioner is in custody since 11.06.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has found involved in two criminal cases.

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 accessible to all and moreover, petitioner is in custody since 11.06.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Saran at Chapra in connection with Masrakh P.S. Case No. 181 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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