

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43597 of 2022

Arising Out of PS. Case No.-721 Year-2021 Thana- KUDHNI District- Muzaffarpur

Vinay Kumar, Son of Indradev Ray, Resident of Village- Bhawanipur, P.S.-
Kudhani (Turki O.P), Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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. Manoj Kumar, 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 Kudhni (Turki OP) P.S. Case No. 721 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

The police on a secret information conducted raid and beside the road situated in village Gaurariya, total 11.175 litres of illicit foreign liquor and 200 pieces of empty bottles were recovered. It is further alleged that one person was also



apprehended, who disclosed the name of the petitioner as a supplier of the illicit wine.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that the alleged recovery has been made by the side of the road, which is an open place, accessible to all and moreover the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He next submits that only because of past criminal antecedent of the petitioner, his name has been implicated in this case. He further submits that now the investigation of the crime is complete and charge-sheet has been submitted, though the petitioner is in custody since 30.03.2022.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the criminal antecedent of the petitioner, which cannot be a sole ground for keeping him behind bar for an indefinite



period, though the he is in custody since 30.03.2022, 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, Court-II, Muzaffarpur in connection with Kudhni (Turki OP) P.S. Case No. 721 of 2021, 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.

(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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