

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43624 of 2022**

Arising Out of PS. Case No.-67 Year-2022 Thana- GADHPURA District- Begusarai

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Roushan Kumar @ Chimpu @ Chimpur Kumar, S/o Amar Prasad Singh @  
Amar Kumar Singh @ Pintu Singh, R/o Village- Manjhaul, P.S.- Manjhaul,  
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate  
For the Opposite Party/s : Mrs .Veena Kumari Jaiswal, 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. Alok Kumar Alok, 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 Gadhpura P.S. Case No. 67 of 2022 registered  
  
for the offence punishable under Section 30 (a) of the Bihar  
  
Prohibition and Excise Act, 2016.

The police in course of patrolling received secret  
  
information that a loaded truck was standing near Sarchia pool,  
  
raided the place of occurrence and apprehended the petitioner,  
  
however, other persons succeeded to flee away. On search,



1877.76 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the truck nor with the illicit wine, however, only on account of his past criminal antecedent he was apprehended and thereafter his name has been implicated in this case, though he is in custody since 26.06.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted. He next submits that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016.

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 investigation of the crime is already complete and charge-sheet has been submitted and so far the petitioner is concerned, he is in custody since 26.06.2022, 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 Exclusive Excise Judge-I, Begusarai in



connection with Gadhpura P.S. Case No. 67 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 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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