

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52746 of 2021

Arising Out of PS. Case No.-265 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Akhilesh Kumar Son Of Sri Kedar Singh R/O Village- Badhayabag Ward No.
1 Takiya Bazar, P.S.- Sasaram, Dist.- Rohtas At Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N. K. Agrawal, Sr. Advocate with Mr. Raghunandan Kumar Singh, Advocate Ms. Riya Singh, Advocate.
For the Opposite Party/s :	Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. N. K. Agrawal, learned senior counsel for the petitioner as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Mohania P. S. Case No. 265 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police, on a secret information, intercepted a Scorpio vehicle



bearing registration no. UP65DV-8564 and on search, total 640.05 litres Indian made foreign liquor was recovered.

Learned senior counsel appearing on behalf of the petitioner submitted that though the vehicle belongs to the petitioner but the same runs on a fare/rent for the purposes of carrying passengers/goods. However, on the alleged date of occurrence while he was carrying passengers, on noticing the police party all of them fled away and this petitioner caught at the spot. It is further submitted that the seizure list has been prepared in complete violation of Section 100(4) Cr.P.C. and there is no independent witness to the same. It is next submitted that in fact, only on account of the past criminal antecedent, his name has been implicated in this case. It is lastly submitted that this petitioner is ready to give undertaking that he will remain present on each and every date of trial till its conclusion.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is named in 14 other criminal cases, which has been brought on record by way of filing supplementary affidavit. It is further submitted that the petitioner was apprehended with a huge consignment of illicit liquor.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioner is in custody since 05.07.2021 and moreover, the investigation of the crime is completed and the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Kaimur at Bhabhua in connection with Mohania P. S. Case No. 265 of 2021, subject to the condition that one of the bailors will be the close relative 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 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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