

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43766 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- KANTI District- Muzaffarpur

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Krishan Kumar Verma @ Krishna Kumar Verma @ Chhotu Srivastawa, Son
of Late Kanhaiya Prasad @ Kanhaiya Prasad Srivastava, Resident of Housing
Board Colony, Damodarpur, P.O- Damodarpur, P.S- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 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. Rakesh Ranjan, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kanti P.S. Case No. 190 of 2022 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 on search total 51.840 litres of Indian made foreign liquor
was recovered. It is also alleged that the petitioner was
apprehended from the place of occurrence.



Learned counsel appearing on behalf of the petitioner submits that from the seizure list, it is evident that the alleged recovery has been made from the house of the petitioner, which is a joint residential house, where several persons reside, however, only on account of one past criminal antecedent, the name of the petitioner has been implicated in this case. He further submits that there is other infirmities in preparation of seizure list, apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He next submits that now the investigation of the crime is already complete and charge-sheet has been submitted, however, there is no likelihood of commencement of trial in near future. The petitioner is in custody since 27.03.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in one another case of similar nature.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint residential house of the petitioner and, moreover, the petitioner is in custody since 27.03.2022, apart from the fact that investigation of the crime is already



complete and charge-sheet has been submitted, 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 Special (Excise) Court No.-II, Muzaffarpur in connection with Kanti P.S. Case No. 190 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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