

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43758 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

Rupesh Kumar Sah @ Rupesh Kumar Saw @ Rupesh Saw, Son of Suresh Saw, Resident of Mohali Chuwan, P.S and Dist.- Giridih, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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. Prabhat Ranjan Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Malaypur P.S. Case No. 57 of 2021 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a),/36/41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The police on a secret information, intercepted a truck bearing registration no. CG04DM 4088 and on search total 2160 litres of Indian made foreign liquor was recovered. The driver of



the truck Gunjan Kumar was also apprehended, who disclosed the name of the petitioner and one Basudeo Nayak, as consigner of the illicit wine.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. He further submits that save and except the disclosure made by the driver of the truck, there is no other material against the petitioner, however, only on account of two past criminal antecedent of similar nature, his name has been implicated in this case. He next submits that so far the money transaction is concerned, the same is for the business purposes and non-else. He lastly submits that the petitioner is in custody since 23.05.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application.

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 there is no likelihood of commencement of trial in near future, 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 Additional Sessions Judge-II-cum-Special Excise Court-I, Jamui in connection with Malaypur P.S. Case No. 57 of 2021, subject to the condition that one of the bailors will be the local residents 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)

uday/-

U		T	
---	--	---	--

