

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43375 of 2022**

Arising Out of PS. Case No.-117 Year-2021 Thana- GANGABRIDGE District- Vaishali

Bandhan Kumar @ Krishna Kumar, Son of Umesh Singh Resident of Village
- Sahdullahpur, P.s.- Ganga bridge, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, 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. Anuj 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 Ganga Bridge P.S. Case No. 117 of 2021, registered for the offences punishable under Sections 30(a), 32(ii), 38(i) and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

The police in course of patrolling duty, on a confidential information, raided the brick kiln and seized three vehicle including one Truck, pick up and Tata Sumo Gold and



on search total 4457.1 liters Indian made foreign liquor was recovered. In course of raid one co-accused Binod Kumar was apprehended by the police and he disclosed the name of other associates including the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession. He further submitted that save and except the disclosure made by the co-accused Binod Kumar, there is no material suggesting the complicity of the petitioner in this crime. He also submitted that only because of two past criminal antecedent of the petitioner, his name has been implicated in this case, though the petitioner has neither any concern with the vehicle in question nor with the illicit wine. He last submitted that the petitioner is in custody since 01.02.2022. Now, the investigation of the crime is already complete.

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 petitioner was neither apprehended at the spot nor any incriminating material



has been recovered from his person and possession and save and except the disclosure made by the co-accused there is no other material against the petitioner and the petitioner is in custody since 01.02.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 117 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 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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