

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42959 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Kanhai Kumar, Son of Anil Prasad Verma, Resident of village- Mirzapur, P.S-
Nawada Town, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, 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. Birendra 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 G.O Case No. 223 of 2022 registered for the
offences punishable under Sections 30(a), 41, 44(1) & 56(b) of
the Bihar Prohibition and Excise Act, 2016.

In course of patrolling, the police on a confidential
information raided village 'Gosai Bigha' and apprehended two
persons and also seized four motorcycles. On search, total 300



litres country made liquor was recovered from different motorcycles. Apprehended persons disclosed the name of the petitioner and one another person as a supplier of the liquor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession. He next submits that save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner and, moreover, the petitioner has neither any concern with the motorcycles in question nor with the illicit recovered wine. He further submits that there is non 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. He lastly submits that the petitioner is in custody since 04.06.2022 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 submission made on behalf of the parties and considering the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession and,



moreover, the investigation of the crime is already complete and the charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose, 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 Judge-II, Nawada in connection with G.O Case No. 223 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 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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