

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43389 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Ujjawal Kumar S/o Late Bhola Sah R/o village- Senduari, Gaj Singh, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, 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. Ajay Kumar Singh, 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 Motipur P.S. Case No. 104 of 2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 36 of the Bihar Prohibition and Excise Amendment Act, 2018.

The police in course of patrolling, intercepted two persons, who were coming on motorcycle and on search total 30.420 liter of illicit foreign liquor was recovered from the



motorcycle.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that 30.420 liter of illicit foreign liquor alleged to be recovered from the joint possession of the petitioner and co-accused Abhay Kumar, who were on the motorcycle in question and said Abhay Kumar has already been granted bail by this court in Cr. Misc. No. 41483 of 2022, vide order dated 23.09.2022. He further submitted that only because of one past criminal antecedent his name has been implicated in this case, though he is in custody since 16.03.2022.

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 petitioner is in custody since 16.03.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted, 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 Special Excise Court No.II, Muzaffarpur, in connection with Motipur P.S. Case No. 104 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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