

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43667 of 2022

Arising Out of PS. Case No.-376 Year-2022 Thana- SARAIYA District- Muzaffarpur

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Randhir Kumar, S/o Balendra Rai, Resident of village- Manikpur, P.S.-
Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, 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 Mrs. Bela 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 Saraiya P.S. Case No. 376 of 2022 registered
for the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act.

The police in course of patrolling duty, apprehended
two persons, namely, Chandan Kumar and the petitioner and on
search 5 litres country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submits that in fact nothing has been recovered from the conscious possession of the petitioner and so far the alleged recovery of liquor from a Jarkin is concerned, the same does not belong to the petitioner. She further submits that from perusal of the seizure list, it appears that the alleged recovery has been made near Thawe Temple in Pipra village and moreover the petitioner is in custody since 06.06.2022. She further submits that only due to past criminal antecedent of the petitioner, his name has been implicated in this case. She lastly submits that there is no compliance of Section 100 of the Cr.P.C., apart from the fact that the investigation of the crime is already complete and charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 06.06.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted, let the petitioner, 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 Judge, Excise Court No.-II, Muzaffarpur in



connection with Saraiya P.S. Case No. 376 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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