

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44501 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Bhonu Rai S/o Bishundhari Rai R/o Mohalla- Kila Road, P.S.- Chowk,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 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. Anil Chandra, 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 Chowk P.S. Case No. 90 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 .

The allegation against the petitioner is to be engaged in trafficking of illicit wine, the police conducted raid, however,



noticing the police party, the petitioner and other succeeded in fleeing away. It is further alleged that on search total 300 liters of country made *Mahua* liquor and other articles were recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that admittedly the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He further submitted that so far as recovery is concerned, the same has been made from an open place, which is accessible to all, however, only on account of one past criminal antecedent of the petitioner, his name has been implicated in this case. He further submitted that the investigation of the crime is already complete and the charge-sheet has been submitted, though the petitioner is in custody since 25.05.2022.

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 the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and he is in custody since 25.05.2022, though the investigation of the crime



is already complete, 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 Sepcial Judge Excise, Patna City, District Patna, in connection with Chowk P.S. Case No. 90 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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