

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44177 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- RAJAOLI District- Nawada

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Lalan Rajbanshi Son of Binod Rajbanshi @ Vijay Rajbanshi Resident of
Village - Jobkala, P.S.- Rajauli in the district of Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naveen Sharma, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 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. Naveen Sharma, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Rajauli P.S. Case No. 236 of 2021 registered
for the offences punishable under Section 414 of the Indian
Penal Code and Sections 30(a)(d) of the Bihar Prohibition and
Excise Act 2016.

As per the prosecution case, it is alleged that the
police on a secret information that some persons are
manufacturing illicit liquor near the bank of river, raided the
place of occurrence and on search, total 20 litres of country



made liquor and other utensils and apparatus were recovered. It is alleged that on noticing the police party, the persons involved in manufacturing of wine, succeeded in fleeing away, however, the local people disclosed the name of the petitioner and others.

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. It is further submitted that save and except the disclosure made by the local people, there is no material suggesting the complicity of the petitioner in the present crime. It is next submitted that only because of the past criminal antecedent, the name of the petitioner has been implicated in this case, as the petitioner is named in eleven other criminal cases of similar nature. It is also submitted that other accused persons having identical allegation have been allowed the privilege of bail by the learned Bench of this Court. He lastly submits that now the investigation of the crime is already complete and charge-sheet has been submitted and the petitioner is in custody since 20.06.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was found involve in eleven other similar kind of



cases.

Regard being had to the submissions 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 criminal antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period when the investigation of the crime is already complete and charge-sheet has been submitted, 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 Exclusive Special Excise Court-2, Nawada in connection with Rajauli P.S. Case No. 236 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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