

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46915 of 2022

Arising Out of PS. Case No.-513 Year-2020 Thana- KANTI District- Muzaffarpur

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Sujit Kumar @ Sujit Rai Son of suresh Rai Resident of Village - Madhuban,
Police Station - kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritwik Thakur, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 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. Ritwik Thakur, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kanti P.S. Case No. 513 of 2020, registered for
the offences punishable under Sections 272 and 273 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

In course of patrolling duty, the police came across
with the information with regard to unloading of illicit liquor
from two Bolero Pick-up Van rushed to the place of occurrence,
however, on noticing the police party, all the accused persons,



inducing the petitioner succeeded in fleeing away. On search 7240 litres of illicit spirit from Bolero Pick-up van was recovered.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the fact that the petitioner has neither any concern with the vehicle, in question, nor with the illicit spirit recovered from the vehicles. He further submits that only on account of past criminal antecedent of the petitioner, his name has been continuously implicated in one and another case without there being any cogent material. He further submits that save and except the fact that the petitioner was identified while fleeing from the place of occurrence, there is no material suggesting the complicity of the petitioner and moreover the petitioner is in custody since 14.03.2022 and now the investigation of the crime is complete and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in nine other criminal cases of identical nature. In response to the aforesaid submission, learned



counsel for the petitioner submits that the petitioner is on bail in all the cases.

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 the investigation of the crime is complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future and further the criminal antecedent of a person cannot be a sole ground to keep him behind the bar for indefinite period in absence of any cogent material, 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 Special Judge Excise, Court No.-II, Muzaffarpur, in connection with Kanti P.S. Case No. 513 of 2020, 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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