

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44908 of 2022

Arising Out of PS. Case No.-636 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Akalvir Pasi @ Akabir Pasi @ Aakalvi Pasi, Son of Late Sahdev Pasi, R/o
Village- Tekhti (Tekti), Ward No.-01, Pithahi, P.S.- Madhepura
(Mithahi/Mathahi O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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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. Pawan Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Excise Case No. 636 of 2020, arising out of
Excise P.S. Case No. 144 of 2020-21, registered for the offences
punishable under Sections 30(a), 30(c) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The police on a secret information conducted raid and
on search total 9 litres of country made illicit wine and 100 litres
Java Pass was recovered, which was later on destroyed.



Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. and the seizure list, it would be evident that the alleged recovery has been made from the Varanda of the petitioner and in fact the Varanda is situated in a joint residential house, however, only on account of past criminal antecedent of the petitioner, his name has been implicated in this case. He next submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious possession. He lastly submits that now the investigation of the crime is complete and charge-sheet has been submitted, though the petitioner has been remanded in this case on 16.06.2022 and since then he is in custody.

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 petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious possession and now he is in custody since 16.06.2022, though the investigation of the crime is already complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future,



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 Additional Sessions Judge-IV-cum-Special Judge (Excise), Madhepura in connection with Excise Case No. 636 of 2020, arising out of Excise P.S. Case No. 144 of 2020-21, 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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