

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44027 of 2022

Arising Out of PS. Case No.-841 Year-2021 Thana- KAHALGAON District- Bhagalpur

Siyaram Kumar Son of Gopal Mandal Resident of Village - Pannuchak, P.S.-
Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate.

For the Opposite Party/s : Mr. Pushpa Sinha, 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. Diwakar Upadhyaya, 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 Kahalgaon (Ghogha) P.S. Case No. 841 of 2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act .

In course of patrolling, the police intercepted a motorcycle, however, the rider of the motorcycle succeeded in fleeing away and on search total 27.900 liters of country made liquor was recovered.



It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He further submitted that in-fact on the fateful day, the motorcycle in question was parked near SBI, Janidih Ghogha, Panjwara Road, Branch and the police on pretext of wrongful parking, get the motorcycle lifted and thereafter, present FIR has been instituted, showing the recovery from the motorcycle. He also submitted that there is complete defiance of Section 100 of Cr.P.C. as well as Section 81 and 82 of the Bihar Prohibition and Excise Act. He last submitted that the petitioner having fair antecedent, is in custody since 19.05.2022 and now the investigation of the crime is already completed.

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, apart from the petitioner having fair antecedent and 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 Special Excise Judge-I cum Additional Sessions Judge-IX, Bhagalpur, in connection with Kahalgaon (Ghogha) P.S. Case No. 841 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.

(Harish Kumar, J)

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