

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44714 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- PANJWARA District- Banka

Praveen Kumar, Son of Late Shiv Nandan Mishra, R/O Village- Ramnagar
Nicha, Tola- Ramdiyari, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rabindra Kumar, 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. Raj Kumar, 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 Panjwara P.S. Case No. 34 of 2022 registered for the offences punishable under Sections 30(a), 32(2) of the Bihar Prohibition and Excise Act, 2016.

The police in course of patrolling intercepted a tempo and apprehended one 'Shatrughan Paswan', who was driving the said vehicle. On search, total 135 litres of Indian made foreign liquor was recovered. It is further alleged that the



petitioner was telephonically in touch with the driver of the tempo.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession, however, only on account of the fact that the driver of the vehicle in question was in touch with the petitioner telephonically, his name has been implicated in this case. He further submits that the petitioner, having fair antecedent, is in custody since 13.05.2022 and moreover, the petitioner has neither any concern with the tempo nor with the illicit wine. He next submits that now the investigation of the crime is already complete and charge-sheet has been submitted.

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 spot nor any incriminating material has been recovered from his person or possession and moreover after completion of the investigation, charge-sheet has been submitted, however, 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.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge -V, Banka in connection with Panjwara P.S. Case No. 34 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.

(Harish Kumar, J)

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