

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45094 of 2022

Arising Out of PS. Case No.-715 Year-2021 Thana- MAHUA District- Vaishali

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Randhir Kumar @ Nanku @ Nanki, Son of Lakshmi Rai, R/O Village-
Chhatwara Kapoor, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, 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. Shanti Bhushan Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mahua P.S. Case No. 715 of 2021 registered for
the offences punishable under Sections 30(a), 32(ii), 34(ii),
38(ii), 41(i) of the Bihar Prohibition and Excise Act, 2018.

Allegation against the petitioner is to be engaged in
trafficking of illicit liquor, the police conducted raid and
apprehended co-accused Sanjeev Kumar and Sawan Kumar @
Raushan Kumar. It is further alleged that the police seized a
Truck, bearing registration no. RJ19GC 0042 and a Tata ACE



vehicle, bearing registration no. BR31G 8678 and recovered total 3618.36 litres of illicit liquor. It is also alleged that from the godown of Abhishek Raj total 864 litres of illicit Indian made foreign liquor was also recovered. It is also alleged that the petitioner is said to be one of the owner of the vehicle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the vehicle, in question, nor with the incriminating materials. He further submits that, in fact, the vehicles belong to co-accused Sanjeev Kumar and Shyam Lal, however, on account of suspicion the name of the petitioner has been implicated in this case. He further submits that there is no compliance of Section 100 of the Cr.P.C, apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He next submits that the only because of one past criminal antecedent, his name has been implicated in this case, though he is on bail in the said case. He lastly submits that the petitioner is in custody since 08.07.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted.

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 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 Exclusive Special Judge, Prohibition & Excise Court No.2, Hajipur, Vaishali in connection with Mahua P.S. Case No. 715 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 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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