

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45353 of 2022

Arising Out of PS. Case No.-185 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Saurabh Kumar, Son of Yogendra Mahto, Resident of Village- Khadiyahi,
P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, 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. Raja Ram Mishra, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bibhutipur P.S. Case No. 185 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

The police on a secret information, raided the house of the accused persons, including the house of the petitioner, and on search total 272.800 litres of Indian made foreign liquor was recovered from house of the petitioner and from the house of Shambhu Kumar 133.200 litres of Indian made foreign liquor



was recovered.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a joint family residential house of the petitioner where several persons reside and the petitioner cannot be held responsible for the same. He submits that in fact no recovery has been made from the conscious possession of the petitioner and the entire prosecution case is based on suspicion only. He further submits that now the investigation of the crime is already complete and charge-sheet has been submitted apart from there is no compliance of Section 100 of the Cr.P.C. He lastly submits that the petitioner, having fair antecedent, is in custody since 09.05.2022.

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 alleged recovery has been made from a joint family house of the petitioner and moreover the petitioner is in custody since 09.05.2022, having clean antecedent, apart from the fact the investigation of the crime is already complete and charge-sheet has been submitted, 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-I, Samastipur in connection with Bibhutipur P.S. Case No. 185 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 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.

(Harish Kumar, J)

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