

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45317 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

Monu Kumar Son Of Sri Bhagwan Das R/O Road No.-4, P.S.- Rajiv Nagar,
Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Anil Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Buxar Rail P.S. Case No. 67 of 2022 for the offences punishable under section 30(a), of the Bihar Prohibition & Excise (Amendment) Act 2018.

In course of checking, the Rail Police, Buxar apprehended the petitioner from the railway platform and on search total 9.510 liters Indian made foreign liquor was recovered.



Learned counsel for the petitioner submits that in fact on the fateful day the petitioner was apprehended without ticket however on account of some altercation which took place between the petitioner and the rail police the recovery of illicit liquor has been shown from possession of the petitioner though, the petitioner has no concern with the bag from which the illicit liquor has been recovered. He next submits that there is no compliance of section 100(4) of the Code of Criminal Procedure apart from the defiance of section 81 and 82 of the Bihar Prohibition& Excise Act. He further that petitioner is in custody since 20.04.2022 having fair antecedent and after completion of investigation charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering that the fact that the investigation of the crime is already complete and the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner,



above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Bhojpur, Ara in connection with Buxar Rail P. S. Case No. 67 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.

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(Harish Kumar, J)

