

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45801 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- PHULPARAS District- Madhubani

Arun Kumar Jaiswal @ Arun Kumar Choudhary, Son of Late Narayan Choudhary, R/O Village- Raghapur, P.S.- Raghapur, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-09-2022 Today this case has been listed on priority basis, on the motion slip filed by the learned counsel for the petitioner, praying therein that the wife of the petitioner has been diagnosed with Cancer and she requires proper treatment.

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. Arvind Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Phulparas P.S. Case No. 221 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation against the petitioner is to be involved in



the trade of illicit liquor, the police on a confidential information seized a truck bearing registration no. NL 01Q- 0546 and on search total 3528 litres of Indian made foreign liquor was recovered. The name of the petitioner along with others have been surfaced on the confidential information.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. He further submits that the petitioner has neither any concern with the truck, in question, nor with the illicit wine, which was said to have been recovered. He next submits that only because of past criminal antecedent, in identical matter, the name of the petitioner has been implicated in this case, though during the course of investigation, no material has come, which suggests the complicity of the petitioner. He also submits that so far the present case is concerned, now the investigation of the crime is already and charge-sheet has been submitted, though the petitioner is in custody since 18.05.2022.

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 name of the petitioner has come on the confidential information and neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his conscious or constructive possession and now the investigation of the crime is already completed 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, Jhanjharpur in connection with Phulparas P.S. Case No. 221 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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