

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46466 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Amarjeet Kumar @ Sarvjeet Kumar @ Sarbjeet Kumar Son Of Akhilesh Kumar @ Akhilesh Prasad Yadav R/O Village- Lalpokhar Jagdishpur (DIGHI Kala), P.S.- Sadar Hajipur, District- Vaishali At Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shanti Bhushan Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Hajipur Sadar P. S. Case No. 179 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on a



secret information, raid was conducted, however, on noticing the police party the accused persons, who were present at the place of occurrence, succeeded in fleeing away. The local Choukidar disclosed the name of the accused persons including the petitioner. It is also alleged that on search, 9 litres Indian made foreign liquor from a motorcycle and 108 from the car bearing registration no. BR31Q-6300 respectively was recovered.

Learned counsel appearing on behalf of the petitioner submitted that neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession, however, only on account of one criminal antecedent of identical nature, his name has been implicated in this case. There is no compliance of Section 100 of the Cr.P.C., apart from the fact that the investigation of the crime is already complete and the charge sheet has been submitted, though the petitioner is in custody since 25.04.2022.

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 taking into account the fact that the petitioner was neither apprehended at the spot nor any



incriminating material has been recovered from his person or possession and moreover, the investigation of the crime is already complete and the charge sheet has been submitted and there is no likelihood of trial in near future, let the petitioner, above named, 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 Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali, Hajipur in connection with Hajipur Sadar P. S. Case No. 179 of 2021, subject to the condition that one of the bailors will be the close relative 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.



(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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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