

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46692 of 2022

Arising Out of PS. Case No.-403 Year-2021 Thana- NAWADA District- Nawada

Utpal Kant @ Babloo Kumar S/O Sugan Yadav @ Sugun Prasad Resident of
village- Gondapur, P.S.- Nawada District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate.
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Rajeev Kumar Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Nawada Town P.S. Case No. 403 of 2021, for the offences punishable under Sections 30(a) (b), (c) and (d) of the Bihar Prohibition and Excise Act, 2016.

The police on a secret information conducted raid and on search 15 liters spirit and 4 kg plastic rapper was recovered from the house of one Arbind Yadav.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR, however



during the course of investigation the apprehended co-accused person disclosed the name of the petitioner and on the basis of his confessional statement the petitioner has been made accused in the present case. He further submits that the petitioner was first time apprehended in connection with Nawada Town P.S. Case No. 602 of 2020 and thereafter, the petitioner has been remanded in altogether 18 cases, one by one as mentioned in paragraph 3 of the bail application and almost in all the cases, petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He also submits that co-accused Arbind Yadav, on whose confession the name of the petitioner has surfaced, has already been allowed the privilege of bail by learned Co-Ordinate Bench of this Court in Cr. Misc. No. 72533 of 2021, vide order dated 30.05.2022. He last submits that the petitioner is in custody since 15.06.2021 and remanded in the present case on 06.04.2022, moreover, the investigation of the crime is already complete and the charge-sheet has been submitted in the present case.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf



of the parties and considering the fact that save and except the confessional statement, there is no material against the petitioner and moreover the criminal antecedent of a person cannot be sole ground to keep the person behind the bar for an indefinite period in absence of any cogent material, that too when the petitioner has been remanded in all such cases, which were instituted on suspicion, 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 Additional District & Sessions Judge-II-cum-Special Judge, Nawada, in connection with Nawada Town P.S. Case No. 403 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 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 can-



celled.

(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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