

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46251 of 2022

Arising Out of PS. Case No.-325 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Ujendra Pandey, Son of Ravindra Pandey, Resident of Village- Hardiya, P.S. Barhariya, District- Siwan, At present Ojirabad Gali, No. 14, Near Divine Hospital Delhi,. P.S. Wajirabad, Old Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 30-09-2022 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 father of the petitioner is seriously ill, suffering from acute liver problem and referred to PMCH, Patna for better 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. Subhash Kumar, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in



connection with Kuchaikot P.S. Case No. 325 of 2022 registered for the offences punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016, (Amendment Act, 2018).

In course of vehicle checking, the police intercepted a Maruti Suzuki Car, bearing Registration No. DL 9CL 5354 and on search total 87.780 litres of illicit liquor was recovered. The petitioner is said to be the driver of the car was apprehended at the spot.

Learned counsel for the petitioner submits that the petitioner has neither any concern with the car nor with the alleged incriminating material, which is said to have been recovered from the car. He next submits that in fact on the fateful day, the petitioner was coming from Gorakhpur and at Bathari Check post, he was waiting for another bus, in the meantime, the police intercepted the vehicle, in question, and the petitioner, being onlooker, was apprehended on suspicion. He next submits that the petitioner, having fair antecedent, is in custody since 19.07.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future. He also submits that there is no compliance of Section 100 of



the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016.

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

Regard being had to the submissions of the learned counsel for the parties and considering the fact that the investigation of the crime is already complete and charge-sheet has been submitted and moreover the petitioner, having fair antecedent, is in custody since 19.07.2022, 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 Sessions Judge-IV-cum-Special Judge, Excise Court-II, Gopalganj in connection with Kuchaikot P.S. Case No. 325 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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