

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46714 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Chiku Kumar @ Chimpu Kumar @ Chinku @ Chiku @ Raushan Kumar S/o
Pintu Singh @ Amar Kr. Singh Resident of Village - Manjhaul Nityanand
Chowk (Purwari Tola, Ward No. 07, P.s. Manjhaul (Cheriya Bariyarpur O.P.),
District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate.
For the Opposite Party/s : Mr. Sangeeta Sharma. APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 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. Arjun Prasad, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Cheriya Bariyarpur P.S. Case No. 85 of 2022,
registered for the offences punishable under Sections 188, 290,
341, 323 and 353 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioner is to be engaged
in trafficking of illicit wine, the police conducted raid and



apprehended two persons. It is also alleged that the petitioner and others succeeded in fleeing away. The apprehended persons disclosed the name of the petitioner and on search total 202.875 liter of foreign liquor was recovered from the house of co-accused Babloo Singh.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that the alleged recovery has been made from the house of Babloo Singh and save and except the disclosure made by apprehended co-accused persons there is no material against the petitioner. He further submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He also submits that only on account of his past criminal antecedent of identical nature, his name has been implicated in this case, though the investigation of the crime is already complete and the charge-sheet has been submitted and moreover the petitioner having fair antecedent, is in custody since 08.07.2022.

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 the petitioner was



neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by apprehended co-accused persons, there is no material showing the complicity of the petitioner, further the investigation of the crime is already complete and the charge-sheet has been submitted and there is no likelihood of commencement of the trial in near future, 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 Exclusive Excise Court-I, Begusarai, in connection with Cheriya Bariyarpur P.S. Case No. 85 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.

(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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