

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47086 of 2022

Arising Out of PS. Case No.-117 Year-2020 Thana- HASANPUR District- Samastipur

Saurabh Kumar S/O Shiv Balak Yadav R/O Village- Garhi Bishanpur, P.S.-
Hasanpur, District- Samastipur (Father Name Wrongly Mentioned As Shiv
Balak Mahto In Impugned Order)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Krishna Chandra, learned counsel for
the petitioner as well as learned Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Hasanpur P.S. Case No. 117 of 2020 for the
offences punishable under Sections 30(a), of the Bihar
Prohibition & Excise Amendment Act.

The police on a confidential informant, intercepted
a Bolero pick-up-van, on noticing the police party out of
two persons, one person succeeded in fleeing away and co-



accused Ramesh Kumar Mahto was apprehended at the spot. The apprehended co-accused persons disclosed the name of two persons including the petitioner allegedly succeeded in fleeing away. On search total 387.36 liters illicit Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession. However, only on account of his two past criminal antecedent of identical nature, his name has been implicated in this case. He next submits that the petitioner has neither any concern with the vehicle nor the illicit liquor. He also submits that co-accused Ramesh Kumar Mahto, who was apprehended at the spot and another co-accused persons, who was allegedly succeeded in fleeing away from the place of occurrence, both of them have been granted bail by the learned co-ordinate Bench of this Court. He further submits that save and except the disclosure made by the apprehended co-accused persons there is no material, apart from the fact that he is in custody since 02.01.2022 and the investigation of



the crime is already complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner is found involved in two other criminal cases of identical nature.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure of the name of the petitioner by apprehended co-accused persons there is no material and moreover, petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. In as much as co-accused persons, who was apprehended at the spot has already been allowed privilege of bail, let the petitioner, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Samastipur in connection with Hasanpur P.S. Case No. 117 of 2020, 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 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)

N.K/-

U		T	
---	--	---	--

