

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46926 of 2022

Arising Out of PS. Case No.-389 Year-2022 Thana- ARA NAGAR District- Bhojpur

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Ajay Kumar Singh @ Guddu Singh, S/o Rana Ranjeet Singh, Resident of
Mohalla- Naya Tola Madhopur, P.S.- Bakhtiyarpur, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, 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. Anand Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Ara Town P.S. Case No. 389 of 2022 registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The police in course of vehicle checking, intercepted
Indigo Car and on search total 39.400 litres of Indian made
foreign liquor was recovered. It is further alleged that the
petitioner, who is said to be the driver of the car, was
apprehended at the spot.



Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He further submits that the name of the petitioner has been disclosed by the apprehended co-accused person and save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner, however, only on account of his two past criminal antecedent of identical nature, his name has been implicated in this case. He further submits that there is no compliance of Section 100(4) of the Cr.P.C., apart from the fact that the petitioner has neither any concern with the vehicle, in question, nor with the illicit liquor. He next submits that the petitioner is in custody since 03.05.2022, though the investigation of the crime is completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner is found involved in two other criminal cases.

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 made by the apprehended person, there is no material suggesting the complicity of the petitioner in the present crime, apart from the fact that the petitioner is in custody since 03.05.2022, though the investigation of the crime is completed and charge-sheet has been submitted, 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 Special Excise Court No.-I, Bhojpur, Ara in connection with Ara Town P.S. Case No. 389 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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