

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47193 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- BISFI District- Madhubani

Supindar Kumar @ Supindar Kumar Yadav Son Of Jaduveer Yadav Resident
Of Village - Nariyaltol, P.S.- Keoti, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, 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. Baidya Nath Prasad, 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 Bisfi (Aunsi) P.S. Case No. 215 of 2021
for the offences punishable under Sections 272 and 273 of
the Indian Penal Code and section 30(a), of the Bihar
Prohibition & Excise Amendment Act.

The police on a secret information intercepted a
truck bearing registration no. RJ-27GA-4475 and on search
total 3780.720 liters Indian made foreign liquor was



recovered from the truck. It is further alleged that other materials including the mobile phone were also recovered from possession of the apprehended driver and khalasi of the truck.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the FIR however, during the course of investigation, it has been found that co-accused persons used to talk with one Pintu Kumar his mobile no. 7491094849 and the said mobile no is found in the name of the petitioner. Learned counsel for the petitioner submits that admittedly, the petitioner having fair antecedent is neither named in the FIR nor any incriminating material has been recovered from his person or possession. He further submits that in fact the mobile of the petitioner was given to one Pintu Kumar for repairing because he being neighbour and had knowledge of mobile repairing. He further submits that investigation of the crime is already complete and the charge sheet has been submitted. Though the petitioner is in custody since 16.06.2022 and moreover, there is no likelihood of commencement of trial in near future.



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

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the materials available on the record especially the fact that save and except the co-accused persons had talked with the petitioner, there is no material and moreover, the petitioner having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Madhubani in connection with Bisfi (Aunsi) P.S.Case No. 215 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 cancelled.

(Harish Kumar, J)

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