

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47155 of 2022

Arising Out of PS. Case No.-271 Year-2022 Thana- MAIRWAN District- Siwan

SATYAPRAKASH KUSHWAHA Son of Ram Bhawan Bhagat Resident of
Village - Netwar, P.S.- Darauli, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Kumar Pandey, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Mairwa P. S. Case No. 271 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the police, intercepted three motorcycles and apprehended the petitioner and others. On search, altogether 80 litres country-



made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of the petitioner, in fact, on raid being made people started fleeing away from the place of occurrence and in course of chase, the police apprehended the petitioner on suspicion showing the recovery from his motorcycle. It is also submitted that the petitioner has neither any concern with the motorcycle nor with the alleged illicit liquor, apart from the fact that the petitioner having fair antecedent, is in custody since 09.07.2022 and moreover, the investigation of the crime is already complete and the charge sheet has been submitted; and furthermore, there is no compliance of Section 100 of the Cr.P.C.

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

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the investigation of the crime is already complete and the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, 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 Judge Excise-1, Siwan in connection with Mairwa P. S. Case No. 271 of 2022, subject to the condition that one of the bailors will be the close relative 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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