

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57364 of 2021

Arising Out of PS. Case No.-143 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

-
1. Amarjeet Yadav, Son of Gudukhi Yadav, Resident of Village - Tarso Balha, Ward No.- 02, P.S.- Kusesarsthan, District - Darbhanga.
 2. Sheet Kumar Roy, Son of Prabhu Roy, Resident of Village - Lodipur Ward No.- 03, P.S.- Kusesarsthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 22-02-2022 The applicants are claiming out of turn hearing on account of death of grandfather of applicant no. 1 Amarjeet Yadav.

Sufficient time was granted to the learned Additional Public Prosecutor to verify the fact.

The applicant is an accused in C-I Case No. 143 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicants/accused. He argued that the prosecution of the



applicants itself has incurred a patent legal infirmity inasmuch as no report as envisaged by Section 91 of the Bihar Prohibition and Excise Act, 2016 has been filed against the present applicants. He submits that the entire prosecution needs to be quashed. Similarly he submits that as the investigation of the subject crime is already over, no further pretrial detention of the applicant is necessary.

The learned Additional Public Prosecutor has opposed the application by filing the counter affidavit and contended that the vehicle in which the applicants were travelling came to be intercepted at the check post and it was found to be containing 207 litres of Indian made foreign liquor.

I have considered the submissions so advanced and also perused the material placed before me.

What has been filed against the present applicants by the prosecuting agency as reflected from the annexures to the bail application are – an application address to the Special court for taking the applicant in the judicial custody accompanied with list of items found. Prima facie this does not seems to be compliance of Section 91 of the Bihar Prohibition and Excise Act, 2016.



Be that as it may, as the investigation of the subject crime is over and the applicants are not having any criminal antecedent. Hence I see no reason to refuse the bail to the applicants and therefore, the order :-

i. The application is allowed.

ii. The applicants/accused in C-I Case No. 143 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) each on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to



be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicants/accused.

Bhardwaj/-

(A. M. Badar, J)

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

