

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63420 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- MAJORGANJ District- Sitamarhi

Mukul Singh, Son of Rajendra Singh, Resident of Village Kuari Madan,
Police Station- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-08-2022 A supplementary affidavit has been filed on behalf of the petitioner bringing on record that due to inadvertence in para 3 of the bail application only one criminal antecedent of the petitioner has been mentioned. However, later on, it transpired that the petitioner is named in four other cases and hence the present supplementary affidavit.

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. Ashok Kumar Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Majorganj P.S. Case No. 67 of 2020 registered for the offence punishable under Section 30 (a) of the Bihar



Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a confidential information that seven persons are indulged in loading and unloading of illegal illicit liquor, raided the place of occurrence. On noticing the police party, the other accused persons succeeded in fleeing away, however, two of them were arrested. It is further alleged that from the vehicles parked in orchard altogether 555.300 litres of illicit Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that the petitioner has no concern with any vehicles, which were seized at the place of occurrence or with the illicit liquor recovered from the orchard. It is next submitted that only because of the criminal antecedent of the petitioner, his name has been implicated in this case and save and except the suspicion and disclosure made by the apprehended person, there is no other material against the petitioner, which suggests his complicity in the present case. It is lastly submitted that the petitioner is in custody since 05.07.2021.



On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and ample material has come during the course of investigation.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person and moreover the petitioner has no concern with the vehicle or the illicit liquor, which was seized at the spot and the petitioner is in custody since 05.07.2021, apart from the fact that investigation of the crime is already 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Majorganj P.S. Case No. 67 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 physically 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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