

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68660 of 2021

Arising Out of PS. Case No.-680 Year-2021 Thana- FATUA District- Patna

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Aman Kumar Jaiswal, Son of Bhavani Sahu @ Bhavani Kumar Sahu,
Resident of Village - Ghaghra, P.S.- Ghaghra, District - Gumla (Jharkhand)
(District - Ramgarh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 04-04-2022 The applicant is given out of turn hearing on the ground of ailment of his father. This fact is not disputed by the other side.

The applicant/accused in Crime No. 680 of 2021 registered with Fathua Police Station for the offences punishable under Sections 272 and 273 of the Indian Penal Code as well as Sections 30(a), 33, 34, 36 and 56(c) of the Bihar Prohibition and Excise Act, 2016, by this application is seeking his release on bail during pendency of the trial.

Heard both sides.

It is reported that the applicant is not having any criminal antecedent and the investigation of the subject crime is already over.



Undisputedly the applicant is behind the bars from 09.09.2021.

It is case of the prosecution that on the basis of secret information received by police, one truck and one Alto car which was being driven in front of the car came to be stopped. 35 litres of spirit came to be seized from the Alto car and spirit in huge quantity came to be seized from the truck. In this way in all 1715 litres alcohol came to be seized. The applicant was allegedly sitting in the Alto car.

As the investigation of the subject crime is already over and the applicant is not having any criminal antecedent, I see no reason to refuse bail to the applicant. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 680 of 2021 registered with Fathua Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/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 him from



disclosing such facts to the Court or to any police officer.

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

(III) The applicant/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 applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant 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 appellant/accused.

(A. M. Badar, J)

Bhardwaj/-

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