

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59266 of 2022

Arising Out of PS. Case No.-344 Year-2022 Thana- MALSALAMI District- Patna

Sanjay Rai @ Nanki Kumar @ Nanhki S/O Nageshwar Rai R/o village-
Chhoti Nagala, Sangram Chak, P.S.- Malsalmi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishore, Advocate.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 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. Kaushal Kishore, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Malsalami P.S. Case No. 344 of 2022, registered for the offences punishable under Sections 30 (a), 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018 .

It is alleged that in course of patrolling, when the informant reached near Jamunapur Chaitola Pul, saw two persons taking out jute sacks from adjacent bush, however, on noticing the police party both of them succeeded in fleeing away. On search total 100 liters of mahua liquor was recovered.



The local people disclosed the name of the petitioner and another person.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession. He further submits that only because of the past criminal antecedent, the name of the petitioner has been implicated in this case and save and except the disclosure made by the local people, there is no material suggesting the complicity of the petitioner in the present crime. He also submits that the petitioner is in custody since 06.08.2022, though the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner was identified by the local people and moreover he found involved in four other criminal cases, which shows that the petitioner is a habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession and moreover the investigation of the crime is already complete and



the 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 Exclusive Special Judge, Excise, Patna City, in connection with Malsalami P.S. Case No. 344 of 2022, 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.

(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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