

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20489 of 2024

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

Kailash Saw S/o Late Nako Saw R/o Vill - Matiyapatti, New Shiv Mandir
Chouthari Kulli, P.S. - Jhariya, Dist. - Dhanbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Malaypur P.S. Case No. 57/2021 lodged on 09.04.2021 under Section 272, 273, 34 of the Indian Penal Code and Section 30(a), 36, 41(i) of Bihar Excise Prohibition and Amendment Act

3. As per the prosecution case, F.I.R. has been lodged against nine named accused persons including the owner of the alleged vehicle (Maruti Suzuki) against whom there is an allegation that total 2160 litre of foreign liquor has been recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner's name is not in the accused column of



the F.I.R. They are neither related with the truck with any manner nor related to Maruti Suzuki. Counsel submits that the name of the petitioner has been figured from the mobile of the accused who were sitting on the Maruti Suzuki. Counsel submits that police has inserted the name of all person whose contact detail was present in the mobile of the co-accused namely Vikas Kumar Modi. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are 5 cases pending against him. The petitioner is in custody since 31.10.2023. Counsel submits that the accused from whose mobile, the names were extracted has been granted bail by the co-ordinate Bench of this Court vide order dated 09.05.2022 in Cr.Misc No. 64564 of 2021. He also submits that other similarly situated accused persons have been granted bail by this Court dated 11.11.2022 passed in Cr. Misc. No. 47621 of 2022.

5. Learned APP for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted bail after framing of charge, if the charge is not framed yet and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to



the satisfaction of learned Exclusive Excise Court-I, Jamui in connection with Malaypur P.S. Case No. 57/2021 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not



absconding in any of the cases pending against him whose details are as follows:-

- Jharia P.S. Case No. 92/2019
- Jharia P.S. Case No. 222/2019
- Arwal P.S. Case No. 353/2021
- Khadawanpur P.S. Case No. 141/2019
- Govindpur P.S. Case No. 14/2020

(Dr. Anshuman, J)

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