

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49631 of 2024

Arising Out of PS. Case No.-99 Year-2019 Thana- PATEPUR District- Vaishali

Babblu Kumar, S/o Ramashish Sah, R/o vill - Gauspur Sarsauna, P.S. -
Bangara, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 21-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Patepur P.S. Case No. 99 of 2019 registered for the offence punishable under Sections 30(a) of the Bihar Excise Act.

3. The police on a confidential information of loading and unloading of illicit wine raided the place of occurrence from where a truck bearing registration No. BR31GA8377 was seized. It is further alleged that on search 991.875 liters of illicit liquor was recovered; some of the cartons were kept in the truck in question and some of the cartons were found in the field.

4. Learned Advocate appearing on behalf of the petitioner contended that the name of the petitioner has been implicated in this case only on account of he being owner of the



truck in question. However, it is categorically stated that the petitioner is not the registered owner of the alleged truck and moreover, the alleged recovery has been made from an open field of one Umesh Pandit, with whom the petitioner has no connection. It is next contended that there are various other infirmities in the search and seizure and the police has implicated the name of the petitioner on a wrong identity. Now the petitioner has been incarcerated since 24.03.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner remained absconded for a long period as the FIR was instituted way back in the year 2019 itself.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the chargesheet has been submitted coupled with the fact that the petitioner denied to be the owner of the truck in question, 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 Court of Exclusive Special Excise court No.-II-cum-Additional District Session Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 99



of 2019, 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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