

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50693 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- MADHWAPUR District- Madhubani

Vinay Kumar, S/o Kalicharan Singh, R/o vill - Samauli, P.S. - Pupri, Distt. - 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 : Mr. Damodar Prasad Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 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 Madhwapur P.S. Case No. 55 of 2024 registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

3. Based upon the written report the prosecution alleges that the police on a confidential information that two motorcycle riders loaded with liquor are crossing village Parsa, intercepted them. The police apprehended three persons who were riding on a motorcycle bearing Registration No. BR30Y-9842. It is further alleged that the petitioner was also



apprehended who was sitting on another motorcycle, from which 36 litres illicit liquor has been recovered.

4. Learned Advocate appearing on behalf of the petitioner contended that the persons who were carrying the sack containing illicit liquor, has succeeded in fleeing away after throwing the sack, however, the petitioner who was only a passerby, standing at the place of occurrence, has been apprehended by the police on suspicion. The petitioner has neither any concern with the motorcycle nor with the illicit wine. Only on account of his past criminal antecedent in four other criminal cases his name has been implicated in this case, is the contention of the petitioner. The petitioner is in custody since 22.05.2024. There are various other discrepancies in the search and seizure.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the recovery of illicit wine has been made from exclusive possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the motorcycle nor with the illicit wine coupled with the period of custody, 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, Madhubani in connection with Madhwapur P.S. Case No. 55 of 2024, 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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