

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56844 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- Kharagpur District- Munger

Saurav Kumar, Son of Manoj Singh @ Manoj Kumar Singh @ Jalo Singh,
Resident of Village- Badi Mudheri, P.S. - Kharagpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shashi Priya Pathak, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Ms. Shashi Priya Pathak, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Kharagpur P.S. Case No. 117 of 2024 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The police on a tip of trafficking of illicit wine conducted a raid on an orchard of the village. On search, total 81 litres of different brands of Indian made foreign liquor was recovered. It is further alleged that in course of search, the police also came to know that this petitioner has kept two cartoons of Indian made foreign liquor in his house, whereupon the police raided the house of the petitioner from where 9 litres of Indian made foreign liquor was also recovered. In this way,



total 90 litres of liquor was recovered.

4. Learned Advocate for the petitioner contended that the Orchard from where 81 litres of Indian made foreign liquor was recovered does not belong to the petitioner. However, only on account of past criminal antecedent, out of which one case is of identical nature, the name of the petitioner has been implicated in this case. So far the recovery of 9 litres of Indian made foreign liquor from the house of the petitioner is concerned, the same is a joint family house where several persons reside and for that the petitioner cannot be made solely responsible. It is next contended that mere criminal antecedent of a person cannot be a sole ground to refuse the prayer for bail, as the allegation levelled in the F.I.R. is required to be looked into. Now the petitioner is in custody since 28.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the criminal antecedent of the petitioner speaks loud with regard to his involvement in the crime. Release of the petitioner certainly emboldened him in doing further crime. During the course of investigation, it has also come that the Indian made foreign liquor, which was recovered from the Orchard that was also kept by the petitioner.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the major recovery of foreign liquor has been made from an orchard, which does not belong to the petitioner and there is no material suggesting the complicity of the petitioner in keeping the illicit liquor in the orchard. Moreover, the recovery with respect to 9 litres of foreign liquor is concerned, the same has been recovered from a joint family house, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Munger in connection with Kharagpur P.S. Case No. 117 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.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

