

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68173 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- MALSALAMI District- Patna

Piyus Kumar son of Late Anuj Prasad Village- Kamashikoh, at Haziganj, PS-
Chowk, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Malsalami P.S. Case No. 288 of 2024,
registered for the offence punishable under Sections 30(a) and
30(d) of the Bihar Prohibition and Excise Act and Section 468
and 471 of the Indian Penal Code.

3. The allegation against the petitioner is of involve in
trade of illicit wine. The police in course of patrolling duty
apprehended a boy, who was carrying illicit wine along with
wrapper and empty bottles in a sack. In course of interrogation,
he disclosed the name of the person, including the petitioner,
that they are engaged in manufacturing and trade of illicit wine.
On the basis thereof, the police conducted raid and total 97.30



liters of Indian made foreign liquor was recovered.

4. Learned Advocate for the petitioner contended that the alleged incriminating materials as well as the illicit wine were recovered from the room of one Rajesh Rana and only because of the fact that the petitioner was present nearby the place of occurrence, on suspicion, his name has been implicated in this case. It is next contended that the petitioner is a man of tender age, having absolutely fair antecedent, and now he has been incarcerated since 17.06.2024. There are other infirmities in the search and seizure, apart from non-compliance of Section 100(4) of the Cr.P.C.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the a manufacturing unit of illicit liquor was unearthed.

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 charge-sheet has been submitted, coupled with the fair antecedent of the petitioner, 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 Court of Excise, Patna City in



connection with Malsalami P.S. Case No. 288 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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