

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72793 of 2024

Arising Out of PS. Case No.-358 Year-2021 Thana- RANIGANJ District- Araria

Bhogendra Kumar Roy @ Yogendra Kumar Roy S/o Late Surendra Roy R/o
vill - Thekpura, ward no. 15, P.S. - Raniganj, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-10-2024 Heard the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Raniganj P.S. Case No. 358 of 2021, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Allegedly, the police on a tip of trading of the illicit wine, chased the vehicle, in question, which dashed the police vehicle and turned down. On search, total 698.250 liters of Indian made foreign liquor was recovered. The persons, who were sitting in the pick up van succeeded in fleeing away.

4. Learned Advocate for the petitioner contended that the petitioner was neither apprehended at the place of occurrence nor the petitioner has any concern with the pick up van or the loaded illicit liquor. Save and except the disclosure



made by the spy of the police and the suspicion, there is no material suggesting the complicity of the petitioner in the crime. Drawing the attention of this Court to paragraph no. 3 of the bail application, wherein, the particulars of the criminal antecedent of the petitioner has been mentioned, it is contended that in fact this is the reason why in all the cases, wherever the illicit wines are being seized by the police, the name of the petitioner is being implicated. There are various other infirmities in the search and seizure. One of the co-accused person, having identical allegation, has been allowed bail by this Court in Cr. Misc. No. 29501 of 2022; the copy of which is marked as Annexure-P/2.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying 13 criminal antecedent over his head and, as such, he appears to be a habitual offender, indulged in trade of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, which suggest the name of the petitioner transpired only on suspicion and the disclosure made by the spy. Moreover, mere criminal antecedent of the petitioner cannot be the sole



ground to keep him behind the custody for an indefinite period, that apart the investigation of the crime is complete and the charge-sheet has been submitted, 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 Exclusive Special Judge, Excise-I, Araria in connection with Raniganj P.S. Case No. 358 of 2021, 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)

shivank/-

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

