

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87727 of 2024

Arising Out of PS. Case No.-336 Year-2022 Thana- KHUSRUPUR District- Patna

Chhabila Kumar @ Chhabila Gope @ Chhabila Rai, S/O Baleshwar Rai,
Resident of Village- Kurth (Fulwaria), Ward no.- 07, P.S- Khushrupur, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2025 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 Khushrupur P.S. Case No. 336 of 2022
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2022.

3. The allegation against the petitioner is of indulged
in trafficking of illicit wine. The police on a secret information
conducted raid, however, noticing the police party some of the
persons were succeeded in fleeing away and one of the co-
accused, namely, Sunny Devi was apprehended by the police.
In course of search, total 50 litres of mahua liquor was
recovered.

4. Learned Advocate for the petitioner contended that the name of the petitioner has been implicated in this case only on account of the fact that the petitioner happens to be the brother-in-law of the apprehended person. Admittedly, the petitioner was neither apprehended from the place of occurrence nor any incriminating material has been recovered from his conscious and constructive possession. Only on account of two criminal antecedents, as has been disclosed in Paragraph No. 3 of the bail application, his name has been implicated in this case. Be that as it may, now the petitioner has been incarcerated since 25.11.2024 and the investigation of the crime is complete. Referring to the FIR and the seizure list, various infirmities have also been shown by the learned Advocate for the petitioner.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has actively participated in the crime.

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 fact that the petitioner was neither present at the place of occurrence nor any incriminating material has been recovered from his whereabouts, 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 Khushrupur P.S. Case No. 336 of 2022, 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.)

Jyoti Kumari/-

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