

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3495 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- BIDUPUR District- Vaishali

Ravish Kumar Son of Sarvesh Rai R/O Village- Amer At Present Navanagar,
P.S.- Bidupur, District- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with G.R
No. 724 of 2021 arising out of Bidupur P.S. Case No. 311 of
2021 registered for the offences punishable under Sections 414
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 269.640 litre foreign liquor and 90 litre Cane Beer from the
vehicle in question and petitioner along with other co-accused
was apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 30.06.2021 and bears criminal antecedent of two cases in which one case is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the seized vehicle in question. It has been further submitted that seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Vaishali at Hajipur in connection with G.R No. 724 of 2021 arising out of Bidupur P.S. Case No. 311 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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