

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3869 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

PINKESH KUMAR Son of Sakhichandra Mandal Resident of Village -
Murliganj Gangapur, Police Station - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mrs.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-07-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para 1 of the petition.

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
Special Case No. 558 of 2021 arising out of Kochadhaman P.S.
Case No. 316 of 2021 registered for the offences punishable
under Sections 272, 273 of the I.P.C. and Sections 30(a), 32, 41,
47 of the Bihar Excise Act, 2016 (2018).

As per prosecution case, there is alleged recovery
of 709.20 litre foreign liquor from the vehicle in question and
petitioner along with others was apprehended on the spot and



one screen touch mobile as well as Rs. 21,000/- was recovered from the pocket of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 23.11.2021 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that there is no recovery of any liquor from possession of the petitioner nor the alleged vehicle in question belongs to the petitioner.

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 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 Sessions Judge II cum Special Judge (Excise), Kishanganj in connection with Kochadhaman P.S. Case No. 316 of 20021 dated 22.11.2021, 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 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 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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