

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3814 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- MIRGANJ District- Gopalganj

Atul Kumar, Son of Dharmnath Prasad, R/O Village- Ekdanga, B.P.
Ekderwsa, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mirganj P.S. Case No. 310 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

The prosecution case is that during checking of vehicles for recovery of illicit liquor, two persons riding on a motorcycle tried to escape, but one of them was apprehended and from his possession, 52.30 litres of India made foreign liquor was seized. Another person made good his escape. The



apprehended co-accused named this petitioner, who escaped from there.

The learned counsel for the petitioner submits that petitioner has not been arrested from the spot and nothing incriminating has been recovered from his possession. The petitioner has been taken into custody only on the basis of confessional statement of the co-accused. The charge-sheet has been submitted and the petitioner is in custody since 12.10.2021.

Learned APP opposes the prayer for bail submitting that the petitioner has a long criminal history.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and the charge sheet-sheet has been submitted in this case and further taking into account the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act), Gopalganj, in connection with Mirganj P.S. Case No. 310 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted



only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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