

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4168 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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PRADEEP KUMAR Son of Nakul Kumar Das Resident of Village - Babudih,
P.S.- Bousi, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Tiwary

For the Opposite Party/s : Mrs.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-06-2022 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.

The petitioner seeks bail in connection with Rail
Bhagalpur P.S. Case No. 161 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, 375 litre illicit liquor was
recovered from the shutter connecting the 3rd and 4th
compartment of train and the petitioner along with other
accused person was apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.12.2021 and bears criminal antecedent of one case of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that bare reading of the FIR would show that there is nothing to connect the petitioner with the alleged seized liquor and moreover, petitioner has been falsely implicated on the basis of suspicion. He further submits that as the petitioner was earlier implicated in a similar case, the police has dragged the petitioner in a mechanical manner in the present case.

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

Considering the facts and circumstances of the case as well as period of custody 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, Bhagalpur in connection with Rail Bhagalpur P.S. Case No. 161 of 2021, subject to following conditions:-

(i) One of the bailor 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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