

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6846 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- BAISI District- Purnia

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SHER ALI SON OF LATE JARAFAT ALI R/O VILLAGE- NANGALI, P.S.-
KITHAUR, DISTRICT- MEERUT (U.P.)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-06-2022 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 Baisi

P.S. Case No. 311 of 2021 registered for the offences punishable

under Section 272 and 273 of the Indian Penal Code and 30(a) ,

41 and 47 of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery

of 1800 liters foreign liquor from truck in question and said

truck was driven by the present petitioner and petitioner along

with others apprehended on spot.

Learned counsel for the petitioner submits that

petitioner has no criminal antecedent, nothing has been

recovered from possession of the petitioner and petitioner is in custody since 24.10.2021. Charge sheet has already been submitted and there is no likelihood of tampering the evidence. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea in connection with Baisi 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 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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