

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9727 of 2022

Arising Out of PS. Case No.-501 Year-2021 Thana- MALSALAMI District- Patna

Saurav Kumar S/O Pachu Ram Resident of Village- Rikawganj, P.S.
Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 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 through virtual mode.

The petitioner seeks bail in connection with Special
Case No. 6761/2020 arising out of Malsalami P.S. Case No.
501/2020 registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 270 liters of country made liquor from Auto and goods
carrier Tempo. The petitioner and other fled away and the name
of petitioner and other have stated by local people.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. He further submits that the prosecution has not disclosed



the name of the persons who has named the petitioner and other accused persons. Nothing has been recovered from the conscious possession of the petitioner and seizure list has not been prepared as per law. He further submits that Auto and Goods Carrier Tempo do not belong to the petitioner. The petitioner has no concern with the seized liquor. The petitioner is languishing in custody since 06.12.2021 and bears criminal antecedent of four cases, two cases are similar nature in which he is bail. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence.

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, period of custody, charge sheet has already 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 Special Judge, Excise, Patna City, Patna, in connection with Special Case No. 6761/2020 arising out of Malsalami P.S. Case No. 501/2020, 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 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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