

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10826 of 2022

Arising Out of PS. Case No.-145 Year-2019 Thana- KHODAWANDPUR District- Begusarai

Amit Kumar @ Munnilal Das Son of Ramchandra Das R/O Village- Chakwa,
P.S.- Khodawandpur (Chhaurahi O.P.), Dist- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 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 in virtual court proceeding.

The petitioner seeks regular bail in connection with
Khodawandpur P.S. Case No. 145 of 2019 registered for the
offences punishable under Sections 272, 273 120(B) of the
Indian Penal Code and 30(a) of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery
of 1833.12 litre foreign liquor from the truck in question. It is
further alleged that one motorcycle in question has also been
seized and petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner has not been named in the FIR. The name of the petitioner has surfaced in this case as the owner of the motorcycle. Petitioner is in custody since 24.12.2021 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no recovery of any liquor from possession of the petitioner and said motor-cycle was stolen one day prior to the date of occurrence and for that he has given an application to SHO P.S Chhaurahi. The name of the petitioner has been falsely implicated in this case and petitioner was not apprehended on the spot.

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 in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on the spot and the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned ADJ-II-cum-Special Excise Act, Begusarai in connection with Khodawandpur P.S. Case No. 145 of 2019 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 without appropriate permission, 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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