

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10793 of 2022

Arising Out of PS. Case No.-425 Year-2021 Thana- SARAIYA District- Muzaffarpur

ABHISHEK KUMAR Son of Bachha Ray Resident of Village - Repura
Rampur, Vishwanath, P.S.- Saraiya (Jaitpur O.P.), Distt.- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Rajesh 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 Saraiya
(Jaitpur O.P.) P.S. Case No.425/2021 registered for the offences
punishable under Sections 272, 273/34 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 70 liters of country made liquor from the Baswari. Co-
accused, Jitendra Kumar, was apprehended on spot and he
disclosed the name of petitioner and other accused persons.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. On the basis of confessional statement of co-accused, namely, Jitendra Kumar, petitioner has been made accused in this case and nothing has been recovered from the conscious possession of the petitioner and he is not apprehended on spot. The petitioner is languishing in custody since 24.11.2021 and he bears no criminal antecedent. 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 as well as period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and he is not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (Excise) Court No.-II, Muzaffarpur, in connection with Saraiya (Jaitpur O.P.) P.S. Case No.425/2021, 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 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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