

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13082 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- DAUDNAGAR District- Aurangabad

PINTU KUMAR Son of Pramod Prasad Resident of Village - Itwa, P.S.-
Haspura, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mrs. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-07-2022 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.

The petitioner seeks bail in connection with
Daudnagar P.S. Case No. 329/2021 registered for the offences
punishable under Sections 272, 273, 120(B), 34 of the Indian
Penal Code and Sections 30(a), 34, 36 of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery of
total 399.5 liters illegal wine from Bolero vehicle in question.
The petitioner was not apprehended from the place of
occurrence and the apprehended persons disclosed the name of
petitioner and others.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on spot and nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been made as per law and there is no compliance of Section 100 Cr.P.C. He further submits that the petitioner is languishing in custody since 02.02.2022 and bears criminal antecedent of two cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with 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, petitioner was not apprehended on the spot 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-IX cum Special Judge, Excise-IIInd, Aurangabad, in connection with Daudnagar P.S. Case No. 329/2021, 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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