

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13833 of 2022

Arising Out of PS. Case No.-602 Year-2021 Thana- SAKRA District- Muzaffarpur

SARBAN KUMAR @ ANNA @ SARWAN SINGH Son of Late Ram
Lakhan Prasad Singh Resident of Village- Majhaulia, P.S.- Sakra, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 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 bail in connection with Sakra
P.S. Case No. 602 of 2021 registered for the offences punishable
under Sections 272, 273, 34 of the I.P.C. and Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 3.75 litre illicit foreign liquor and 900 ML country made
liquor from plastic bag kept on the motorcycle in question and
petitioner is apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 11.12.2021 and bears criminal antecedent of one case of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has no concern with the alleged seized articles and he has falsely been implicated in this case.

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 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 Court No. 1, Muzaffarpur in connection with Sakra P.S. Case No. 602 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 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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