

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14492 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

=====

BHOLA BIND SON OF DIN DAYAL BIND RESIDENT OF VILLAGE-
SHITALPUR P.S.- RAGHUNATHPUR DIST.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Kumari Anupam
For the Opposite Party/s : Mrs.Veena Kumari Jaiswal

=====

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 Excise
P.S. Case No. 30/2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery
of 60 litre illicit liquor from the cowshed of petitioner and he
was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.02.2022 and bears criminal



antecedent of one case of similar nature. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner has no concern with the alleged liquor which was recovered by the police from the cowshed and he has falsely been implicated in this case due to high handedness of the police.

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, prosecution report 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 Additional Sessions Judge, Special Excise Court-2, Siwan in connection with Excise P.S. Case No. 30/2022, 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)

shahzad/-

U		T	
---	--	---	--

