

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15120 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- BAKHARI District- Begusarai

HARIBANDHI PRASAD GUPTA @ DEENBANDHU PRASAD SON OF
LATE BASUDEO PRASAD GUPTA R/O VILLAGE- BAKHRI, WARD
NO.12, MACHHARHATTA ROAD, P.S.- BAKHRI, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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 by virtual mode.

The petitioner seeks bail in connection with Bakhari
P.S. Case No. 318 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery of
750 ml. foreign liquor and 2 litre country made liquor from the
house of the petitioner and petitioner was apprehended on the
spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 07.11.2021 and bears three more criminal history of similar nature and he has been granted bail in all the cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel further submits that petitioner has no concern with the seized liquor. Seizure list has not been prepared as per law.

The learned A.P.P. for the State vehemently opposes the prayer for the 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 the 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-II-cum Special Judge, Begusarai in connection with Bakhari P. S. Case No. 318 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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