

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14482 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- DARIYAPUR District- Saran

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ASHU PATEL @ SHAURABH VIJAY @ SAURAV VIJAY son of Sh. Vijay
Singh Patel Resident of Sadpura Durga Asthan, Police Station- Kaji
Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mrs.Anita Kumari Singh

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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 in virtual court proceeding.

The petitioner seeks bail in connection with
Dariyapur P.S. Case No. 203 of 2021 registered for the offences
punishable under Sections 372, 373, 420, 120B of the I.P.C. and
Sections 30(a), 33, 36, 41(i) of the Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, there is alleged recovery
of altogether 5200 litre illicit spirit from the truck in question
and the said truck was being driven by co-accused Pramod
Kumar who was apprehended on the spot. It is also alleged that



co-accused Pramod Kumar disclosed that present petitioner has godown who used the said godown for keeping of illicit spirit.

Learned counsel for the petitioner submits that petitioner is in custody since 18.11.2021 and bears criminal antecedent of three cases of similar nature in which in two cases he is on bail. He further submits that petitioner is neither apprehended on the spot nor any incriminating material has been recovered from his conscious possession. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Co-accused Ranjit Rai @ Ranjit Kumar Rai has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 43611 of 2021 and the case of present petitioner stands on similar footing.

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 and petitioner is 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned 2nd Additional Sessions Judge cum Special Judge ,
Excise, Saran in connection with Dariyapur P.S. Case No. 203
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 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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