

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16394 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- NARPATGANJ District- Araria

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Raja Kumar Son Of Kamal Bharti @ Kamal Kumar Bharti Resident Of
Village - Regra, Ward No.1, P.S.- Kisanpur, Distt.- Supaul.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyam Kuamr

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

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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
Narpatganj(Ghurna) P. S. Case No. 83 of 2022 registered for
the offences punishable under Section 272, 273 of Indian Penal
Code and 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

As per prosecution case, there is alleged recovery of
828 litre Nepali wine from Tata Safari in question on Indo-
Nepal Check Post and petitioner and other have been
apprehended on spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 22.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel for the petitioner further submits that alleged recovery made from a SUV and petitioner has neither concern with the seized liquor nor the car belongs to him as he is the driver of the vehicle. His name has been falsely implicated in this case.

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, keeping the clean antecedent of petitioner, 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 on furnishing bail bond of Rs. 10,00/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Excise Judge 1st in connection with Narpatganj P. S. Case No. 83 of 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)

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