

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17041 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

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ABHISHEK KUMAR @ CHHOTU @ ABHISHEK KUMAR Son of
Rajaram Singh Resident of Village - Dharampur, Ward no.11, P.s.- Cheriya
Bariyarpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Yogendra Kumar

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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.

The petitioner seeks bail in connection with

Matihani P.S. Case No. 16 of 2020 registered for the offences

punishable under Sections 120(B) of the Indian Penal Code and

also under Section 30(a), 32 of the Bihar Prohibition and Excise

Act, 2018.

As per prosecution case, total 4839.84 litres

foreign liquor was recovered from the truck and Scorpio in

question.

Learned counsel for the petitioner submits that



petitioner is in custody since 24.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Nothing has been recovered from the possession of the petitioner. Petitioner was not arrested on spot. Learned counsel further submits that name of present petitioner namely Abhishek Kumar alias Chhotu surfaced in para 65 of case diary in confessional statement of co-accused Bittu Kumar. The co-accused Bittu Kumar, who disclosed the name of the petitioner, has already been granted bail by co-ordinate bench vide Cr. Misc. No. 21754 of 2020 by order dated 08.07.2020.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, petitioner is not named in the F.I.R., charge-sheet has already been submitted 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 on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-I, Begusarai in connection with Matihani P.S. Case No. 16 of 2020, 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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