

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17053 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- BELDOUR District- Khagaria

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GOLU KUMAR @ ROBIN SHARMA SON OF VILASH SHARMA @
VILAS SHARMA R/O VILLAGE- BELA @ BELANAWAD, P.S.-
BELDAUR, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

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
Beldaur P.S. Case No. 104 of 2021 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act.

As per prosecution case, one person near
Budhiadhar Nahar was standing with illicit liquor. After seeing
the police vehicle the person fled away taking benefit of night.
When the informant reached there he recovered 34.875 foreign
liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 02.02.2022. Petitioner bears criminal antecedent of two cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. Nothing incriminating has been recovered from the possession of the petitioner. Petitioner was not apprehended on spot

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, petitioner is not apprehended on spot, charge sheet 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 Special Judge Excise IInd, Khagaria in connection with Beldaur P.S. Case No. 104 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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