

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 18582 of 2022**

Arising Out of PS. Case No.-169 Year-2021 Thana- BALIYA District- Begusarai

Shaligram Kumar Son of Upendra Sah Resident of Village - Hasanganj  
Safiyabad, P.S.- Naya Ramnagar, District - Munger

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Sevak Choudhary  
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      22-07-2022                      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 Balia  
P.S. Case No. 169 of 2021 registered for the offences punishable  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2018.

As per prosecution case, there is alleged recovery  
of 3532.470 litre foreign liquor from the truck in question and  
petitioner was not apprehended on the spot. It has been further  
alleged that petitioner was the owner of the truck.

Learned counsel for the petitioner submits that  
petitioner is in custody since 07.02.2022. and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that there is no recovery of any drop of liquor from conscious possession of the petitioner and his name has been falsely implicated in this as he is the owner of the aforesaid truck and it was given to the driver for maintenance. It has been further submitted that petitioner was not apprehended on the 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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on the spot and 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 Special Judge Excise Court-2, Begusarai in connection with Balia P.S. Case No. 169 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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