

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18353 of 2022**

Arising Out of PS. Case No.-110 Year-2022 Thana- SITAMARHI District- Sitamarhi

Brajesh Kumar Son Of Shambhusharan Bhagat @ Anshu Sharan Bhagat R/O
Village- Haribela, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

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
Sitamarhi P.S. Case No. 110 of 2022 registered for the offences
punishable under Section 30(a), of the Bihar Excise and
Prohibition Act, 2016.

As per prosecution case, there is alleged recovery
of 1259.82 litre foreign liquor from garage of co-villager
Lakshmi Mahto. Petitioner was not apprehended on the spot.
Co-accused Amitesh Kumar has disclosed the name of the
petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 02.03.2021 and 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 for the petitioner further submits that there is no recovery of any drop of liquor from possession of the petitioner and his name has been falsely implicated in this case only on the basis of the confessional statement of the co-accused Amitesh Kumar and 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, 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, **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 Exclusive Excise Court-II, Sitamarhi in connection with Sitamarhi P.S. Case No. 110 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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