

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18727 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- KALYANPUR District- Samastipur

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ASHIK KUMAR @ ASIK KUMAR Son of Ramadhar Ray @ Ramadhar Rai
Resident of Village - Tirajatmalpur, Police Station- Kalyanpur, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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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

Kalyanpur P.S. Case No. 08 of 2022 (Excise G.R. No. 10 of

2022) registered for the offences punishable under Sections

30(a), 32(iii) and 36/41(i) of Bihar Prohibition and Excise Act,

2018.

As per prosecution case, there is alleged recovery

of 696.69 litres foreign liquor from the pickup van as well as

motorcycle in question and petitioner was apprehended on the

spot.



Learned counsel for the petitioner submits that petitioner is in custody since 07.01.2022 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 further submits that the petitioner is neither the driver nor the owner of the vehicle and has no concern with the seized prohibited foreign liquor as well.

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 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 Court 1st, Samastipur in connection with Kalyanpur P.S. Case No. 08 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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