

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18709 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- DANAPUR District- Patna

MD.AZIZ @ RAJA Son of Md. Munnan Resident of Village - Samanpura
Raja Bazar, Behind Paras Hospital, P.s.- Shastrinagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Akbar Ali

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
Danapur P.S. Case No. 34 of 2022 (Special Case No. 64 of
2022) registered for the offences punishable under Section 30(a)
of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 100 litres 950 ml English Wine liquor from the vehicle in
question and the petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.01.2022 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 further submits that nothing has been recovered from the conscious possession of the petitioner and he is neither driver nor the owner of the vehicle and he has further submitted that petitioner is a labour and sole bread earner of his family.

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 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 Court of Special Judge, Excise, Danapur (Patna) in connection with Danapur P.S. Case No. 34 of 2022/Special Case No. 64 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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