

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19818 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- KEWATI District- Darbhanga

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PRAVIN KUMAR @ PRAVIN KUMAR SAH @ MASTER S/O AMIRI
LAL SAH R/O VILLAGE- PURSAULIYA, P.S.- KALUAHI, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur

For the Opposite Party/s : Mr.Veena Rani Prasad

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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.

The petitioner seeks bail in connection with Keoti
P.S. Case No. 123 of 2021 registered for the offences punishable
under Sections 30(a) Bihar Prohibition and Excise Act, 2016
read with Section 25(1-B)a, 26/35 of the Arms Act.

As per prosecution case, total 135 liters of illicit
liquor was recovered from the car in question. As per seizure
list, a Samsung mobile phone and one mobile of Cellelor
company has been recovered from the possession of the
petitioner and the petitioner was apprehended on spot along



with other co-accused persons.

Learned counsel for the petitioner submits that petitioner is in custody since 16.07.2021. Petitioner bears three criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating has been recovered from the possession of the petitioner. The petitioner is not the owner of the vehicle nor is he the driver of vehicle in question. The petitioner has no concern with the other accused persons or recovered wine.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted 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 2nd Addl. Sessions Judge-cum-Special Judge (Excise), Darbhanga in connection with Keoti P.S. Case No. 123 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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