

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19226 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

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GANGARAM Son of Amod Singh Resident of Village - Ratanpur Ward No. 20, P.S. - Town (Ratanpur O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Shaheen Begum

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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 Matihani P.S. Case No. 16 of 2020 registered for the offences punishable under Sections 120(B) and 30(a), 32 of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 4839.840 litres foreign liquor from the vehicles in question.

Learned counsel for the petitioner submits that petitioner is in custody since 24.02.2022 and bears criminal antecedent of two cases in which one is 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 not named in the FIR. The impugned order indicates that the petitioner was in contact with other co-accused persons and his location found near the place of occurrence according to Para 92 of the case diary.

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 petitioner was not apprehended on the spot 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 ADJ II -cum-Special Judge, Excise Act, Begusarai in connection with Matihani P.S. Case No. 16 of 2020, 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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