

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20791 of 2022**

Arising Out of PS. Case No.-176 Year-2021 Thana- GAYA MUFASIL District- Gaya

Chhotu @ Bauna Son Of Thakur Prasad Resident Of Mohalla - Patwa Toli,
Manpur, P.S. - Muffasil, District - Gaya.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

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 Mufassil
P.S. Case No. 176 of 2021 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
9 litre foreign liquor from a vehicle in question and petitioner
along with other co-accused is apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.06.2021 and bears criminal
history of six cases and out six case, he has been granted bail in



three cases. 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 petitioner is neither concerned with the alleged vehicle in question nor recovered liquor belongs to him. Nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been falsely implicated in this case. Co-accused Rohit Kumar has been granted bail by the co-ordinate bench of this court vide Cr. Misc. No.54636 of 2021. The case of the present petitioner stands on the similar footing. There is no compliance of section 100Cr.PC.

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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Gaya in connection with Mufassil P.S. Case No. 176 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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