

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20402 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- PHULWARIYA District- Gopalganj

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ASHARAF ANSARI Son of Jagu Ansari Resident of village - Harihara, P.S.-
Phulwariya, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar

For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-06-2022 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 regular bail in connection with
Phulwariya P.S. Case No. 200/2021 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per prosecution report, the informant has given
written application before the ADJ-II, Gopalganj on 30.06.2021
alleging therein that he along with other police party was on
patrolling duty and he reached at Koyladeva Picket Charmohani
and started checking of vehicles. In the meantime, one
motorcycle came loaded with bag which was indicated to stop



but the motorcycle rider began to flee with the said motorcycle. The police tried to catch the motorcycle rider but motorcycle rider and one sitting person having left their motorcycle and bag managed to flee away by taking advantage of sugar cane field. The name of the petitioner and other accused has been disclosed by the local chowkidar as fleeing away persons. As per seizure list, 32 litre wine has been recovered which was kept in bag.

Learned counsel for the petitioner submits that petitioner is in custody since 25.08.2021 and bears criminal antecedent of three cases and except one case, he is on bail. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner has inimical term with local chowkidar and he has falsely been implicated in this case due to grudge and village politics. He further submits that petitioner is neither owner nor trader of wine.

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

Considering the facts and circumstances of the case as well as period of custody 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Excise Judge court No. 1, Gopalganj in connection with Phulwariya P.S. Case No. 200/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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