

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21972 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- OBRA District- Aurangabad

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AASHISH KUMAR @ GOLU Son of Ram Pukar Yadav Resident of
Mayapur, P.S.- Obra, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rupa Kumari

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 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 bail in connection with Obra
P.S. Case No. 104 of 2021 registered for the offences punishable
under Section 30(a) of Bihar Excise (Prohibition) Amendment
Act, 2018.

As per prosecution case, 315 litre country made
wine was recovered behind the house of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.02.2022 and bears no criminal
antecedent. He further submits that alleged wine was found
from the bundle of straw which was kept in open place behind



the parental house of the petitioner and due to enmity the local people stated that said house belongs to petitioner. Section 100 of Cr.P.C. has not been complied with.

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 keeping in view clean antecedent of petitioner 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 Additional Sessions Judge-9th cum Special Judge, Excise-II, Aurangabad in connection with Obra P.S. Case No. 104 of 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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