

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21663 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- KUTUMBA District- Aurangabad

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PRAKASH KUMAR Son of Late Bhagwan Singh Resident of village - New Area Tola Tekari Road, P.S.- Aurangabad Town, District - Aurangabad, Permanent Address - Resident of village - Chakua, P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 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 Kutumba P.S. Case No. 12 of 2022 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that 60 litre country made liquor has been recovered from a sack which was kept on the motorcycle in question and two persons including the petitioner were riding on the said motorcycle and they were apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 23.01.2022 and bears criminal antecedent of two cases in which he is on bail in one case. He further submits that petitioner has falsely been implicated in this case. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise 1st, Aurangabad in connection with Kutumba P.S. Case No. 12 of 2022, 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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