

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21496 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- SIMRI District- Buxar

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BANTI RAI @ NITISH KUMAR RAI SON OF SRI PARMATMA RAI R/O
VILLAGE AND P.O.- EKAUNA, P.S.- SIMARI, DIDSTRICK- BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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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.

The petitioner seeks bail in connection with Simari

P.S. Case No. 87 of 2021 registered for the offences punishable

under Sections 30(a) of the Bihar Prohibition and Excise

(Amendment) Act, 2018

As per prosecution case, total 467.64 liters foreign

liquor has been recovered from the house of co-accused

Parmatma Ram(father of the petitioner).

Learned counsel for the petitioner submits that

petitioner is in custody since 23.03.2022. Petitioner bears

criminal antecedent of one case of similar nature. Charge sheet



has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. The aforesaid house from where recovery has been made is common and joint family house.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted 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 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 Exclusive Special Judge, Excise Court No. 02, Buxar in connection with Simari P.S. Case No. 87 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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