

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21604 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- BIBHUTIPUR District- Samastipur

Umakant Rai Son of Late Triveni Rai Resident of Village - Khadiyahi, Ward
No. 01, P.S. - Bibhutipur, District - Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-07-2022 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
Bibhutipur P.S. Case No. 460 of 2021 registered for the offences
punishable under Sections 30(a) of the Bihar Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 242.910 litre foreign liquor from bamboo-clamp and the
name of the petitioner has been stated by the local chowkidar.
Petitioner is not apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.12.2021 and bears criminal
antecedent of two case of similar nature in which he is on bail in



both the cases. It has been further submitted that said liquor is recovered from the open bamboo clamp which does not belong to the petitioner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no recovery of liquor from conscious possession of the petitioner and he is not apprehended on the spot. The name of the petitioner has been falsely implicated in this case.

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 that petitioner was not apprehended on spot and 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 Court-1, Samastipur in connection with Bibhutipur P.S. Case No. 460 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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