

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21503 of 2022**

Arising Out of PS. Case No.-17 Year-2022 Thana- MALI District- Aurangabad

ANIL KUMAR GUPTA SON OF LATE MAHAVIR SAW R/O VILLAGE-
BAIRIYA, P.S.- MALI, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Pushpa Sinha

**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 Mali
P.S. Case No. 17 of 2022 registered for the offences punishable
under Sections 30(a) Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, total 6 litres country
made Tanaka liquor has been recovered from a plastic bag kept
in right hand of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.03.2022. Petitioner bears
criminal antecedent two cases 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 due to previous criminal antecedent of the petitioner, the informant implicated the petitioner in the present case.

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, 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 Additional District and Sessions Judge, IXth – cum - Special Judge Excise, IInd, Aurangabad in connection with Mali P.S. Case No. 17 of 2022, 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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