

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21642 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Aman Kumar Son Of Binod Chandrabanshi @ Binod Prasad Ram Resident
Of Village- Harakh Ward No.13, P.S.- Begusarai Town, District- Begusarai.

... .. petitioner/s

versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar

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
Begusaria Town P.S. Case No.74 of 2022 registered for the
offences punishable under Sections 120(B), 201 of the Indian
Penal Code and Sections 30(a) and 32(2) of the Bihar
Prohibition and Excise Act 2018.

As per prosecution case, there is alleged recovery
of 931.75 litre foreign liquor from the different vehicles in
question and petitioner along with other co-accused was
apprehended on the spot and one screen touch mobile as well as
Rs.500 was recovered from the pocket of the petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 05.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner. It has been further submitted that seizure list has not been prepared as per law and 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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case 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, 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 Excise Judge-1, Begusarai in connection with Begusaria Town P.S. Case No.74 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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