

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22626 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BANIAPUR District- Saran

VISHAL KUMAR BAITHA @ ABHIMANYU KUMAR SON OF LATE
ARJUN BAITHA R/O- MURA RAMA CHAPRA, P.S.- DURAUNDHA,
SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22703 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BANIAPUR District- Saran

RAJESH GUPTA Son of Bachcha Gupta @ Bachcha Sah Resident of Village
- Banwariya, P.S.- Taraiya Sujana, Distt.- Kushinagar, State - Uttar Pradesh.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22626 of 2022)

For the Petitioner/s : Mr.Abhishek

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 22703 of 2022)

For the Petitioner/s : Mr.Md. Obaidullah

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-08-2022 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 petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Baniyapur P.S. Case No. 60 of 2022 registered for the offences



punishable under Sections 414, 420, 467, 468, 34 of I.P.C. read with Section 30(a), 32(2)(3), 33, 34, 36, 41(1)(2) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 626.79 litres of illicit liquor along-with 120 litres Kaccha spirit from two Bolero cars and from the house of co-accused Manish Kumar and petitioners alleged to prepare and supply the illicit liquor.

Learned counsel for the petitioners submits that petitioners are in custody since 08.02.2022. Petitioners bear no criminal antecedent. 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 nothing has been recovered from the conscious possession of the petitioners. The alleged recovery has been made from the house of co-accused Manish Kumar. Petitioners have no concern with the seized wine.

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, keeping in view clean antecedent of the petitioners and also taking into consideration the material available on record, let the petitioners 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 1st Exclusive Special Judge Excise, Saran in connection with Baniyapur P.S. Case No. 60 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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