

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22239 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- KATEYA District- Gopalganj

ANUP SINGH S/o Sri Gyan Prakash Singh Resident of Village- Tumkuhi
Raj, Raj Khan Sabha Tola, P.S.- Tareya Sujan, District- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-07-2022 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 Kateya
P.S. Case No. 92 of 2022 registered for the offences punishable
under Sections 414/34 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 75.6 litres foreign liquor from the 'bolero' in question. It is
further alleged that the petitioner is driver of the said bolero and
he was apprehended on the spot along with other co-accused.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.03.2022 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 further submits that petitioner has committed no offence and he has falsely been implicated in this case on mere suspicion.

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 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 I/C Additional District and Sessions Judge II-cum-Special Excise Court No. 01, Gopalganj in connection with Kateya P.S. Case No. 92 of 2022, 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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