

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23146 of 2022

Arising Out of PS. Case No.-400 Year-2020 Thana- MANER District- Patna

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Pawan Kumar @ Pawan Kumar Singh S/O Parmeshwar Dayal Singh R/O
Village- Panderpur Tilhari, P.S.- Maner, District- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Maner
P.S. Case No. 400 of 2020 registered for the offences punishable
under Section 30(a) of the Bihar Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 422.13 litre foreign liquor from pick-up van and motorcycle
in question near a godown and petitioner was not apprehended
on the spot. Local people disclosed that the alleged godown
belongs to the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.11.2021 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 petitioner was not apprehended on spot and he has let out the alleged godown on rent to one Golu Kumar who is engaged in business related to cattle fodder and the copy of the rent agreement has been annexed in Annexure – 3 of the bail petition. Petitioner is not apprehended on spot.

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 that petitioner is not apprehended on spot and 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 Special Excise Judge, Danapur, Patna in connection with Maner P.S. Case No. 400 of



2020, 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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