

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23117 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- KANHAULI District- Sitamarhi

Bare @ Lav Kumar S/O Bhikhari Ray Resident Of Village- Ramnagra, P.S.-
Kanhauli, Dist- Sitmarhi.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Ms. Anita Kumari Singh

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
Kanhauli P.S. Case No. 170 of 2021 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 256.500 litre Nepali country made illicit liquor from the old
house of the petitioner. Petitioner fled away from the spot.
Local chowkidar disclosed the name of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.02.2022 and bears criminal



antecedent of one case of similar nature. 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 and the said house is surrounded by so many persons so petitioner can be falsely implicated in this case. It has been further submitted by learned counsel that petitioner has not been apprehended on spot and seizure list has not been made as per law.

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, 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 was not apprehended on spot and 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 Special Judge Exclusive Special Excise Court-1, Sitamarhi in connection with Kanhauli P.S. Case No. 170 of 2021, 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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