

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23583 of 2022

Arising Out of PS. Case No.-117 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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GOVIND KUMAR SON OF SHUBU BHANDARI R/O VILLAGE- WARD
NO.-05, CHAK MAHILA, MADUBAN, P.S.- PUNAURA, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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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.

The petitioner seeks bail in connection with

Excise C2-117 of 2022 registered for the offences punishable

under Sections 30(a) of the Bihar Prohibition and Excise Act,

2016.

As per prosecution case, there is alleged recovery

of 285 litres Nepali Saufi liquor from the auto in question. The

petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that

petitioner is in custody since 24.03.2022 and bears no criminal



antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is neither driver nor the owner of the alleged vehicle. The petitioner is victim in the present case and he was coming from Nepal from his relative's home after attending his cousin brother's birthday and has falsely been 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, prosecution report 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 Special Judge, Exclusive Excise Court-II, Sitamarhi in connection with Excise C2-117 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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