

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23760 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- JADOPUR District- Gopalganj

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ABHIJEET KUMAR Son of Arun Singh Resident of Village - Gopalpur
Kothi, P.S.- Basantpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Sager Sharma

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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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

Jadipur P.S. Case No. 16 of 2022 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise (Amendment) Act, 2018.

As per prosecution case, total 86.4 liters foreign

wine has been recovered from Santro Car in question. The

petitioner was alleged to be seated in the said car and he was

apprehended on spot along with other co-accused person.

Learned counsel for the petitioner submits that

petitioner is in custody since 05.02.2022. Petitioner bears 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 petitioner. Seizure list has not been prepared as per law. There is no cogent material to show involvement of the petitioner in illegal trading of 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 petitioner, 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 Additional District & Sessions Judge-II-cum-Special Excise Court No. I, Gopalganj in connection with Jadopur P.S. Case No. 16 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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