

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23683 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- GAIGHAT District- Muzaffarpur

NAVIN KUMAR SON OF KULDEEP SINGH R/O VILLAGE- HOUSE
NO.-42, WARD NO.-27, JAWAHAR NAGAR, NEAR CPA COLLEGEK,
P.S.- TOWN, DISTRICT- SONIPAT, HARIYANA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Arun Kumar

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
Gaighat P.S. Case No. 226 of 2021 registered for the offences
punishable under Sections 272, 273, 467, 471 and 34 of the
I.P.C. and Sections 30(a), 36 and 41(1) of the Bihar Prohibition
and Excise Act, 2018.

As per FIR, there is alleged recovery of 2619.36
litres foreign liquor from the truck in question. The name of
present petitioner is disclosed by apprehended co-accused. It is
further alleged by the co-accused that present petitioner and



others gave instruction to deliver the truck to Darbhanga.

Learned counsel for the petitioner submits that petitioner is in custody since 28.02.2022 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 nothing incriminating has been recovered from the conscious possession of the petitioner and the name of the petitioner has falsely been implicated in this case. Seizure list has not been made as per law. It is further submitted that petitioner was not apprehended on the 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, the petitioner was not apprehended on the spot, 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 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 Sessions



Judge 1st Exclusive Special Judge, Muzaffarpur in connection with Gaighat P.S. Case No. 226 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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