

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23158 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

Ankit Kumar S/O Vinay Kumar Singh @ Binay Singh R/O Village- Matihani,
Ward No. 01, P.S.- Matihani, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Mukeshwar Dayal

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
Matihani P.S. Case No. 16 of 2020 registered for the offences
punishable under Sections 120(B) of the Indian Penal Code and
Sections 30(a) and 32 of the Bihar Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 4839.840 litre foreign liquor from the truck in question and a
black Scorpio in question has also been seized.

Learned counsel for the petitioner submits that
petitioner is not named in FIR. The name of the petitioner has
surfaced in this case as his mobile no. was in contact with co-



accused Bittu Kumar. Petitioner is in custody since 23.03.2022 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 for the petitioner further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. It has been further submitted that petitioner was 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 was not named in the FIR, nature of allegation 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 Exclusive Excise Judge-1, Begusarai in connection with Matihani P.S. Case No. 16 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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