

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23640 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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AKHILESH KUMAR Son of Shyam Sundar Sahu @ Shyam Sundar Sah
Resident of Ward No.- 7, Nauhatta, P.S.- Nauhatta, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nasrul Hoda
		Mr.Md. Harun Quareshi
For the Opposite Party/s :		Mrs.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

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 Araria
Excise P.S. Case No. 46 of 2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery
of 215.25 litre foreign liquor of different brand from the Bolero



vehicle in question and on chase the driver of the said vehicle was apprehended and disclosed his name as Akhilesh Kumar who is present petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 04.04.2022 and bears criminal antecedent of two cases in which one case is of similar nature and in both cases petitioner is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that nothing has been recovered from possession of the petitioner. Petitioner is a driver and has no concern with the alleged seized liquor.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration 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 Exclusive Special Judge, Excise-II, Araria in connection with Araria Excise P.S. Case No. 46 of 2022, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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