

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24170 of 2022**

Arising Out of PS. Case No.-126 Year-2020 Thana- KANHauli District- Sitamarhi

BARE @ LAV KUMAR S/o Bhikhari Ray R/o Village- Ramnagra, P.S.-  
Kanhauli, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Pronoti Singh

**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  
Kanhauli P.S. Case No. 126 of 2020 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 288 litres Nepali Saufi liquor from the car in question. The  
petitioner and other co-accused succeeded in fleeing away from  
the spot. The name of the petitioner has been surfaced by the  
local villagers.

Learned counsel for the petitioner submits that



petitioner is in custody since 05.03.2022 and bears criminal antecedent of one case of similar nature. 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 has recovered from the conscious possession of the petitioner and he has falsely been implicated in this case. The 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, 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, **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 Special Judge Exclusive Special Excise Court-I, Sitamarhi in connection with Kanhauli P.S. Case No. 126 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)**

minu/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

