

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25015 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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VIJAY KUMAR Son of Arun Kumar Thakur Resident of Village- Madanpur,
P.S.- Chakmehsi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-08-2022 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 Excise

Case No. 81 of 2022 registered for the offences punishable

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

Amendment Act.

As per prosecution case, there is alleged recovery

of 337.5 whiskey from two cars in question. The petitioner is

alleged to be the driver of Swift Desire car in question from

which 175.5 litres whiskey was recovered and the petitioner is

arrested on spot.



Learned counsel for the petitioner submits that petitioner is in custody since 17.03.2022. Petitioner bears no criminal antecedent. Prosecution report has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioner.

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, prosecution report 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 and Sessions Judge-IV-cum-Special Excise Court – II, Gopalganj in connection with Excise Case No. 81 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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