

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25495 of 2022**

Arising Out of PS. Case No.-142 Year-2022 Thana- PATRAKARNAGAR District- Patna

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SANJAY KUMAR Son of Diwali Lal Resident of Mohalla - Gurhatta, P.S.-  
Khajekalan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Raj Krishan Jha

For the Opposite Party/s : Mr.Abhay Kumar Roy

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      16-06-2022                      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  
Special Case No. 1654/2022 arising out of Patrakarnagar P.S.  
Case No. 142 of 2022 registered for the offences punishable  
under Sections 30(a)(b)(c)(d), 32(1)(2), 33, 34(b)(iv), 36, 41(i),  
(ii), 47, 56 of the Excise Act.

As per seizure list, 1208 empty bottles have been  
recovered from possession of the present petitioner and it is  
alleged that petitioner used to supply empty bottles to the other  
accused persons for the purpose of bottling of illegal liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 20.03.2022 and bears no criminal antecedent. Petitioner used the godown on rent for scrap business and he used to purchase waste articles from the cart vendors and used to sell the same to other persons. Petitioner is a poor businessman. Neither spurious liquor nor any intoxicant was recovered from the godown of the petitioner. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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 keeping in view clean antecedent of 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 Special Judge, Excise, Patna in connection with Special Case No. 1654/2022 arising out of Patrakar Nagar P.S. Case No. 142 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)**

shahzad/-

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