

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25886 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- PHULWARIYA District- Gopalganj

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SUMIT KUMAR @ SUMIT MANJHI @ SUNIT KUMAR S/o Suman Prasad Resident of Village- Madhopur, Police station- Phulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-08-2022 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 Phulwariya P.S. Case No. 363 of 2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 and Section 182(a)(4), 177, 179 of the Motor Vehicle Act.

As per prosecution case, there is alleged recovery of 540 litres liquor from Scorpio in question. Accusation against the petitioner is that he is indulged in illegal trade of wine.

Learned counsel for the petitioner submits that



petitioner is in custody since 15.02.2022. Petitioner bears criminal antecedent of one case of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. The vehicle does not belong to the petitioner. Petitioner is not apprehended on spot.

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, charge-sheet has already been submitted 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 Additional Sessions Judge-II-cum-Special Excise Court No. – I, Gopalganj in connection with Phulwariya P.S. Case No. 363 of 2021, 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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