

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25938 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- SURSAND District- Sitamarhi

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Amar Kumar S/O Ram Chhabila Ram R/o village- Bakhari, P.S.- Sursand,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Ashok Kumar Jha, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Sursand P. S. Case No. 121 of 2022

registered for the offences punishable under Section 30 (a) of

the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in

course of vehicle checking, the Police intercepted a tempo

however, on noticing the police some persons succeed in fleeing



away and this petitioner was arrested from the spot. On search being made altogether 114 litres Nepali Soufi wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner of the said vehicle nor he was the driver and in fact, he being passenger of the said tempo was arrested on suspicion. It is next submitted that from the F.I.R. it is evident that the other accused persons, who were actually carrying the illicit wine succeeded in fleeing away from the spot, It is next submitted that the petitioner is a man of fair antecedent and he is in custody since 14.03.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the tempo where the petitioner was found sitting.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither the owner nor driver of the said tempo and moreover, he is in custody since 14.03.2022 and the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, be



released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court II, Sitamarhi in connection with Sursand P. S. Case No. 121 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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