

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25084 of 2022

Arising Out of PS. Case No.-289 Year-2020 Thana- DALSINGHSARAI District- Samastipur

SAROJ KUMAR S/o Akhilesh Rai Resident of Village- Kalyanpur Milky,
Police Station- Vibhutipur, District- Samastipur, as per F.I.R. resident of
Village- Bachhbara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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
Dalsingsarai P.S. Case No. 289 of 2022 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 1330.5 litres foreign liquor from the truck in question. The
driver namely Mukesh Kumar Choudhary and Khalasi namely
Maksoodan Rai of the aforesaid truck were apprehended on
spot. Apprehended persons disclosed that the liquor has to



deliver to Saroj Kumar (petitioner) near Bachwara Toll Plaza.

Learned counsel for the petitioner submits that petitioner is in custody since 19.01.2022. 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 illegal article or liquor has been recovered either from conscious possession of from house of the petitioner. Seizure list is not made as per law. Petitioner is not apprehended on spot. The name of petitioner transpired on the confessional statement of co-accused Mukesh Kumar Chaudhary. Co-accused Mukesh Kumar Chaudhary has already been granted bail vide Cr. Misc. No. 2503 of 2021 by co-ordinate bench of this Court.

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, petitioner is not apprehended on spot, charge-sheet 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 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 Excise Court – I, Samastipur in connection with Dalsingsarai P.S. Case No. 289 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)

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