

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27676 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- NOORSARAI District- Nalanda

BIPIN KUMAR SON OF UPENDRA CHAUHAN R/O VILLAGE-
CHARUI BELDARI, P.S.- NOORSARAI, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Noorsarai P.S. Case No. 53 of 2022 registered for the offences
punishable under Sections 272, 273, 34 of the I.P.C. and
Sections 30(a)(d) of the Bihar Prohibition and
Excise(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 85 litres illicit liquor near Paeen. The petitioner and others
were apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 15.03.2022 and bears criminal



antecedent of four cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has committed no offence and has falsely been implicated in this case merely on suspicion. It is further submitted that seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case 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 Additonal Sessions Judge-IV-cum-Exclusive Special Court (Excise) No. 2, Nalanda, Bihar Sharif in connection with Noorsarai P.S. Case No. 53 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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