

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27644 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- JANDAHA District- Vaishali

RISHU KUMAR Son of Raviranjan Sharma Resident of Village - Poari, P.S.-
Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

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.

The petitioner seeks bail in connection with
Jandaha P.S. Case No. 92 of 2022 registered for the offences
punishable under Section 414 of the Indian Penal Code and
Sections 30(a), 38(i), 41(i) of the Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, there is alleged recovery
of 259.60 litres foreign liquor from Swift Dezire Car in
question. Petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. The



petitioner has falsely been implicated in this case with ulterior motive and malafide intention. The petitioner has no concern with the alleged vehicle and other co-accused. The petitioner bears no criminal antecedent and no incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner is in custody since 28.03.2022. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, keeping in view clean antecedent of the petitioner, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court-1-Cum Additional District and Sessions Judge, Vaishali, Hajipur in connection with Jandaha P.S. Case No. 92 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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