

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27279 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- PATRAKARNAGAR District- Patna

ARVIND KUMAR MISHRA Son of Bamdeo Mishra Resident of Lohia
Nagar, Vijay Nagar, P.S.- Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Giri

For the Opposite Party/s : Mr. Rajesh Kumar

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
Patrakarnagar P.S. Case No. 142 of 2022 registered for the
offences punishable under Section 30 (a) (b) (c) (d)/ 32(i) (ii)/
33/34(b) (iv)/36/41 (i) (ii)/ 47/56 of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per seizure list, there is alleged recovery of 40
bottles of liquor each containing 375 ml liquor, besides other
material which have been used in manufacturing of illicit liquor
from the house of the petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.03.2022, petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the house from which recovery was made is joint family property and the said house was given on rent to co-accused Rajiv Ranjan Jha and petitioner has no way involved in the said business of liquor.

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, keeping in view clean antecedent of petitioner, 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 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 Judge, Excise, patna in connection with Patrakarnagar P.S. Case No. 142 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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