

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27638 of 2022

Arising Out of PS. Case No.-817 Year-2021 Thana- MANER District- Patna

OM KUMAR Son of Suresh Sah @ Suresh Saw Resident of Village - Haldi Chapra, P.S.- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad
For the Opposite Party/s : Mr.Ram Anurag Singh

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 Maner P.S. Case No. 817 of 2021 registered for the offences punishable under Section 30 (a) of Bihar Prohibition & Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of 70 liters country made mahua wine was recovered from the possession of the petitioner. It is submitted that petitioner was apprehended on spot.

Learned counsel for the petitioner submits that petitioner is falsely been implicated in this case petitioner is in



custody since 13.10.2021, and bears no criminal antecedent. The alleged Desi wine was recovered from Ganga Diara and not from conscious possession or house of the petitioner. The alleged country made liquor was recovered from diyara Ghat of Ganga river which is open place accessible to all. Learned counsel further submits that co-accused Manoj Ray and Rohit Kumar have already been granted bail vide Cr. Misc. 3891 of 2022, by the co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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 materials 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 Excise Judge, Excise, Danapur, Patna in connection



with Maner P.S. Case No. 817 of 2021, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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