

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32638 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

CHHOTU KUMAR @ VIKASH KUMAR S/o Mr. Jitendra Jha Resident of
Mohalla- Jagdambanagar, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2022 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
Ahiyapur P.S. Case No. 107 of 2022 registered for the offences
punishable under Section 290 of the Indian Penal Code and
Sections 30(a), 36 of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 14.55 litres foreign liquor from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.03.2022. Petitioner bears three
criminal antecedents out of which one case is 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 has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the recovered liquor. Petitioner is not apprehended on spot. The name of petitioner has transpired on the basis of secret information.

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 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 Judge, Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 107 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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