

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31566 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- CHANDI District- Bhojpur

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BHARAT SINGH @ BHARAT YADAV S/o Late Devanand Yadav R/o
village- Salempur, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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 Chandi

Case No. 43 of 2022 registered for the offences punishable

under Sections 30(a)/36 of the Bihar Prohibition and Excise

Amendment Act.

As per prosecution case, there is alleged recovery

of 200 litres Mahua liquor from the place of occurrence. All the

accused persons fled away from there and villagers as well as

local Chaukidar disclosed the name of persons and others who

fled away from place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.02.2022. Petitioner bears no criminal antecedent. 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 the petitioner is not arrested on spot. Place from where recovery has been made does not belong to the petitioner. Seizure list has not been made as per law.

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, keeping in view clean antecedent of the petitioner 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 Ist Exclusive Special Excise Court, Bhojpur, Ara in connection with Chandi P.S. Case No. 43 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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