

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29869 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- AHYAPUR District- Muzaffarpur

KRISHNA KUMAR Son of Vakil Rai Resident of Village - Kanhauli
Bishundatt, Mohan Sahni Tola, P.S. - Mithanpura, District - Muzaffarpur,
Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Nand 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 218 of 2022 registered for the offences
punishable under Sections 414, 290 of the I.P.C. and Sections
30(a)/32(ii) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 698.04 litres foreign liquor from the pickup van in question.
The petitioner and other co-accused were apprehended on the
spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.03.2022 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has no concern with the seized liquor. It is further submitted that seizure list has not been made as per law.

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, 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, **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 Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 218 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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