

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30838 of 2022

Arising Out of PS. Case No.-875 Year-2021 Thana- ALAMGANJ District- Patna

MD. REYAZ S/o Md. Seraj Resident of Mohalla Sai Ki Maszid, P.S.-
Khajekallan, Dist- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Mohan

For the Opposite Party/s : Mr.Sucheta Yadav

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
Special Case No. 8626 of 2021 arising out of Alamganj P.S.
Case No. 875 of 2021 registered for the offences punishable
under Sections 30(a), 37(C) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 165 litres toddy from the shop of co-accused. Petitioner is
apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.12.2021. 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 nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is a passerby near the place of occurrence and merely on suspicion petitioner has falsely been implicated in this case.

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, 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 Special Judge, Excise Act, Patna City in connection with Alamganj P.S. Case No. 875 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.

(Alok Kumar Pandey, J)

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