

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32922 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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ROHIT KUMAR S/o - Mahesh Singh R/o Village - Ankuppa, P.S.- Kutumba,
District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukul Kumari
For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 G.R.
No. 216/2022 arising out of Excise Case No. 01 of 2022
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition of Excise Act, 2018.

As per prosecution report, there is alleged recovery
of 398.7 litre illicit country made liquor from the vehicle in
question and petitioner along with others was apprehended on
the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 02.04.2022 and bears no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not owner of the seized vehicle in question rather petitioner was driving the said vehicle at the time of raid. No incriminating article has been recovered from conscious possession of the petitioner.

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, prosecution report 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 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), Aurangabad in connection with G.R. No. 216/2022 arising out of Excise Case No. 01 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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