

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31018 of 2022**

Arising Out of PS. Case No.-174 Year-2021 Thana- TEGHRHA District- Begusarai

RAM ADHIKARI KUNWAR @ RAMA ADHIKARI KUMAR SON OF
BINDESHWARI KUNWAR @ BINO KUNWAR R/O VILLAGE-
PIDHAULI, P.O.S.- TEGHRA, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

**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 Teghra P.S. Case No. 174 of 2021 registered for the offences punishable under Sections 30(a) Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 210.75 litres Indian made foreign liquor near the bansbitti of petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 13.02.2022. Petitioner 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 nothing has been recovered from the conscious possession of the petitioner nor from the house of the petitioner. The petitioner has not been arrested from the place of occurrence. Co-accused Panchamani Kumar has already been allowed Anticipatory Bail vide Cr. Misc. No. 2031 of 2022 by the co-ordinate bench of this Hon'ble Court.

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, petitioner is not apprehended on spot, 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 Excise Judge – I, Begusarai in connection with Teghra P.S. Case No. 174 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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