

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30435 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- WAJIRGANJ District- Gaya

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SHLOK RAJWANSHI @ ASHLOK RAJWANSHI Son of Prayag Rajwanshi
@ Pragash Rajwanshi @ Pragash Ram Resident of Village-Manaini, P.S.-
Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manisha Prakash

For the Opposite Party/s : Mr.Ram Naresh Ray

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**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

Wazirganj P.S. Case No. 01 of 2022 registered for the offences

punishable under Section 414 of Indian Penal Code and Section

30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 280 litres country made Mahua Chulai liquor from the

motorcycle in question.

Learned counsel for the petitioner submits that

petitioner is in custody since 21.03.2022. Petitioner bears



criminal antecedent of four cases in which two cases are of similar nature. 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 nothing has been recovered from the possession of the petitioner nor was he present at the place of occurrence. Seizure list has not been made as per law. The petitioner is not apprehended on spot.

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 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. – I, Gaya in connection with Wazirganj P.S. 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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