

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32227 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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KAUSHAR ALI @ MD. KAUSHAR ALI S/o Khairuddin Ansari Resident of
Village- Ahiman Chapra, P.S.- Kalyanpur, District- East Champaran,
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Ms.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner has filed

supplementary affidavit for making necessary correction in para

12 of the bail application.

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 Excise

Case No. 15/2022 registered for the offences punishable under

Section 30(a) of the Bihar Prohibition and Excise (Amendment)

Act, 2018.

As per prosecution case, there is alleged recovery of

total 212.220 liters foreign liquor from the Hyundai car in



question and the petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. As per FIR, petitioner was driver of the said car and nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither concerned with the alleged seized liquor nor with the Hyundai car in question. He further submits that the seizure list has not been prepared as per law. The petitioner is languishing in custody since 22.04.2022 petitioner bears no criminal antecedent. Prosecution report has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, prosecution report has already been submitted and keeping in view clean antecedent of 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 Additional District and Sessions Judge-IV cum Special



Excise Court-II, Gopalganj in connection with Excise Case No. 15/2022, 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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