

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33126 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- KUTUMBA District- Aurangabad

=====

NAGENDRA KUMAR Son of Surendra Prasad Resident of Village - Kauwal,
P.S.- Chhattarpur, Distt.- Palamu (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Tapeshwar Sharma

For the Opposite Party/s : Mr.Abhay Kumar Roy

=====

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
Kutumba P.S. Case No. 05 of 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 345 litre illicit country made liquor from Alto car in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and during course of
investigation his name sprang up in this case being owner of
Alto car in question, as mentioned in the impugned order.



Petitioner is in custody since 29.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered either from conscious or physical possession of the petitioner. Seizure list has not been prepared as per law.

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, 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 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-1, Aurangabad in connection with Kutumba P.S. Case No. 05 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)

shahzad/-

U		T	
---	--	---	--

