

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33754 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- KIUL District- Lakhisarai

VIJAY KODA S/o Sitaram Koda R/o village- Simaratari, P.S.- Kajra, District-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP.

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 Kiul
P.S. Case No. 50 of 2022 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 80 litre illicit mahua liquor from the motorcycle in question.
It is alleged that seeing the police team petitioner started fleeing
but he was caught on chase.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.04.2022 and bears criminal
antecedent of one case of similar nature in which he is on bail.



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 from conscious possession of the petitioner. Seized motorcycle does not belong to the petitioner. Seizure list has not been made 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, 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 Additional Sessions Judge-V-cum Exclusive Special Court-2, Excise Act, Lakhisarai in connection with Kiul P.S. Case No. 50 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	
---	--	---	--

