

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34278 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- SAKRA District- Muzaffarpur

ROHIT KUMAR S/o Bhola Mahto Resident of Village- Korigama, P.S.-
Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prakash Shrarma

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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 through virtual mode.

The petitioner seeks bail in connection with Sakra P.S.
Case No. 147/2021 registered for the offences punishable under
Section 414 of the Indian Penal Code and Sections 30(a), 33, 34,
35, 36 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 120 liters spirit from the house of co-accused, Manoj
Paswan. The name of petitioner sprang up in this case on the
basis of confessional statement of Priti Devi wife of co-accused,
Manoj Paswan.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner. The entire incrimination materials were recovered from the house of co-accused, Manoj Paswan. He further submits that from perusal of FIR, it is evident that the wife of co-accused, Manoj Paswan was forced to make confession. The petitioner was not concerned with the alleged illegal business. The petitioner is languishing in custody since 01.04.2022 and bears no criminal antecedent. Charge sheet 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 opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on the spot, charge sheet 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 Exclusive Special



Excise Court No.1, Muzaffarpur in connection with Sakra P.S.
Case No. 147/2021, 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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