

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34401 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- HISUWA District- Nawada

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ROHIT KUMAR S/O UPENDRA SINGH Resident of Village- Repura, P.S.-
Sitamarhi (Narhat), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Nityanand

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 Hisua
P.S. Case No. 128 of 2022 registered for the offences punishable
under Sections 30(a), 37(c), 41 of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, two persons were caught
on a motorcycle. On inquiry, they disclosed their name as Rohit
Kumar (present petitioner) and Tinku Singh (co-accused). On
search 10 litres country made Mahua liquor was recovered from
a bag.

Learned counsel for the petitioner submits that



petitioner is in custody since 08.03.2022. Petitioner bears no criminal antecedent. 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 incriminating article has been recovered from the conscious possession of the petitioner. Neither the seized liquor nor the vehicle belongs to the petitioner. There is no proper compliance of Section 100 of Cr.P.C. in preparing the seizure list.

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, keeping in view clean antecedent of the petitioner, 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 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 Judge-I, Nawada in connection with Hisua P.S. Case No. 128 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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