

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34930 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- BIBHUTIPUR District- Samastipur

AMRESH RAI S/O- RAM PRATAP RAI R/O VILLAGE- SAMARTHA,
P.S.- BIBHUTIPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Akshay Lal Pandit

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.

The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 19 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 1521 litres foreign liquor from the truck in question. The
petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.01.2022. Petitioner bears one
criminal antecedent of similar nature in which he is on bail.



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 the petitioner has got no concern either with the seized illicit liquor or with truck in question. He is neither the owner nor the driver of the truck in question. Nothing has been recovered from the possession of the petitioner.

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, 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 after framing of charge on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court – 1, Samastipur in connection with Bibhutipur P.S. Case No. 19 of 2022 (Excise G.R. No. 33 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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