

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34854 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- MUSAHARI District- Muzaffarpur

ANURAG KUMAR SON OF LATE ABDHESH PRASAD SINGH R/O
ROHUA RAJARAM, P.S.- MUSHARI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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
Mushari P.S. Case No. 253 of 2021 registered for the offences
punishable under Sections 272, 273, 34 of the I.P.C. and read
with Section 30(a)/36 of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 876.60 litres of illegal foreign liquor from different vehicles
in question. Apprehended co-accused persons disclosed that
petitioner alongwith others has sent off for the consignment of
the liquors and used to distribute among the persons.



Learned counsel for the petitioner submits that petitioner is in custody since 10.02.2022. Petitioner bears one 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 has been recovered from the conscious possession of the petitioner as he has been implicated in this case on the basis of the statement of the apprehended person from the place of occurrence without supporting any material evidence. Petitioner has no concern with the alleged illicit liquor nor with the seized vehicle from the place of occurrence. The petitioner is not arrested on spot.

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, petitioner is not apprehended on spot, 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned



Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Mushari P.S. Case No. 253 of 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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