

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36452 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- VAISALI GRP CASE District- Vaishali

PAPPU KUMAR S/o Late Gaya Rai Vill - Bakhari Barai, P.S.- Rajapakar,
District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Rajiv Nayan

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 Rail
P.S. Sonpur (Hajipur) Case No. 35 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Excise
Prohibition and Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 528 bottles of foreign liquor each containing 750 ml. liquor
from jute bags kept in parcel office, Hajipur.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and during course of
investigation at para 33, 34, and 35 of the case diary witnesses



disclosed that petitioner brought the said liquor, as mentioned in the impugned order. Petitioner is in custody since 15.01.2022 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from possession of the petitioner. Petitioner has no concern with the alleged seized liquor.

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, petitioner is not named in the FIR, 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 Special Excise Court No. 2, Vaishali at Hajipur in connection with Rail Sonpur (Hajipur) P.S. Case No. 35 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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