

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35966 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- PAROO District- Muzaffarpur

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PRINCE KUMAR RASTOGI @ PRINCE KUMAR S/O- LATE ASHOK
RASTOGI RESIDENT OF VILLAGE- JAFARPUR, P.S.- PAROO,
DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Nand Kumar

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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 G.R.
No. 321 of 2022 arising out of Paroo P.S. Case No. 98 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 31.05 litres illicit foreign liquor from the car in question.
Apprehended person disclosed the name of present petitioner
and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 20.04.2022. 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 has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovered liquor nor with the vehicle. There is no compliance of Section 100 of Cr.P.C. Petitioner is not apprehended 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, keeping in view clean antecedent of the 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 Special Excise Court No. II, Muzaffarpur in connection with G.R. No. 321 of 2022 arising out of Paroo P.S. Case No. 98 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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