

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36196 of 2022

Arising Out of PS. Case No.-602 Year-2020 Thana- NAWADA District- Nawada

UTPAL KANT @ BABLOO KUMAR SON OF SUGAN YADAV @
SUGUN PRASAD R/O VILLAGE- GONDAPUR, P.S.- NAWADA,
DISTRICT- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha

For the Opposite Party/s : Mr.Nand Kumar

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 Nawada Town P.S. Case No. 602 of 2020 registered for the offences punishable under Sections 30(a), (d) (g), 33, 41, 52 of the Bihar Excise Act (Amendment), 2016.

As per prosecution case, there is alleged recovery of 5000 litre illicit spirit from the truck in question.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation name of petitioner sprang up in this case in the confessional statement of co-accused Vidhan Kumar. Petitioner is in custody since 15.06.2021 and bears criminal antecedent of 18 cases 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 is neither owner nor driver of the said truck. Seizure list has not been made as per law.

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, nature of allegation, 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 Additional Sessions



Judge II cum Special Judge, Nawada in connection with Nawada Town P.S. Case No. 602 of 2020, 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.

(iv) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

However, if petitioner violates any of the



conditions, the trial court is at liberty to cancel the bail bonds of
the petitioner.

(Alok Kumar Pandey, J)

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