

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36465 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- PARIHAR District- Sitamarhi

VIMLESH KUNWAR Son of Late Mahendra Kunwar R/o Village-Sisautia,
Ward No.-10, P.S.-Parihar, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari

For the Opposite Party/s : Mr.Ganesh Prasad 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 Parihar
P.S. Case No. 191/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery of
total 63 liters Nepali Saufi wine kept under wood by the side of
road. Apprehended co-accused, Suresh Paswan disclosed the
name of present petitioner and others and they also apprehended
on the spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner was neither concerned with the alleged occurrence nor seized wine. The petitioner is languishing in custody since 13.11.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of 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 Exclusive Special Excise Court-I, Sitamarhi in connection with Parihar P.S. Case No. 191/2021, 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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