

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38226 of 2022

Arising Out of PS. Case No.-881 Year-2020 Thana- KHAGARIA District- Khagaria

=====

GIRIJA PATHAK SON OF LATE BAL KARAN PATHAK R/O MOHALLA-
ROAD NO.-06 NORTH JAIPRAKASH NAGAR, P.S.- RAJEEV NAGAR,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Amitesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-08-2022 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

Khagaria (Muffasil) P.S. Case No. 881 of 2020 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 1764 litre illicit foreign liquor from the tanker in question and

co-accused Santosh Kumar being driver was apprehended on the

spot.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and his name has been surfaced in this case as owner of seized tanker, as mentioned in the impugned order. Petitioner is in custody since 28.05.2022 and bears no criminal antecedent. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not owner of the seized tanker as he had sold the said tanker to one Ravi Kumar but the owner book of seized vehicle is not transferred by the District Transport Officer, Gaya till the date of occurrence. Petitioner is not apprehended on the spot. Petitioner has no concern either with the seized liquor or vehicle.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted 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 Special Judge, Excise, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 881 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.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

