

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38238 of 2022

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

=====

KARTIK KUMAR CHOUDHARY @ KARTIK KUMAR Son of Shiv
Chaudhary Resident of Village - Amipur, P.S.- Muffasil, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Hansraj

For the Opposite Party/s : Ms.Renu Kumari

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-08-2022 Learned counsel for the petitioner is permitted to

make necessary correction in para-1 and prayer portion of the

petition within course of the day.

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

Nawada Nagar P.S. Case No. 602 of 2020 registered for the

offences punishable under Sections 30(a)(d)(g), 33, 41, 52 of the

Bihar Prohibition and Excise Act, 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 his name transpired in this case on the basis of confessional statement of co-accused Arbind Yadav, as mentioned in the impugned order. Petitioner is in custody since 18.06.2021 and bears criminal antecedent of 19 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 nothing has been recovered either from conscious possession of the petitioner or from his house. Petitioner has no concern either with the seized liquor or truck.

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, 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. 20,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Excise Special Court-1, Nawada in connection with Nawada Nagar 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 any of the conditions stated above is



not complied by the petitioner, the trial court is at liberty to
cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

shahzad/-

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

