

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39073 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- BYPASS District- Patna

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ROHIT KUMAR Son of Late Sudhir Prasad @ Amit Kumar Resident of
Village - Begampur Sidhe Bazar, P.S.-By-Pass, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binoy Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2022 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 By pass
P.S. Case No. 132/2022 registered for the offences punishable
under Sections 30(a), 36 of the Bihar Prohibition and Excise
Act.

As per prosecution case, there is alleged recovery of
total 300 liters country made wine from Tempoo in question.
The petitioner 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. Learned counsel for the petitioner further submits that the petitioner was going to Fatuha by the said Tempoo as passenger and the petitioner was quite unaware about the said wine. The petitioner is languishing in custody since 04.04.2022 and bears criminal antecedent of one case of similar nature. 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 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 Special Judge, Excise Act, Patna City in connection with By pass P.S. Case No. 132/2022, 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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