

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41143 of 2022

Arising Out of PS. Case No.-110 Year-2021 Thana- GORAUL District- Vaishali

AVINASH RANJAN KUMAR @ TINKU Son of Arvind Singh @ Arvind
Kumar Singh Resident of village- Maudah Chatur, P.s- Patepur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-08-2022 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 Goraul
(Kathara O.P.) P.S. Case No. 110 of 2021 dated 28.02.2021
registered for the offences punishable under Sections 30(a),
32(ii), 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 2439.72 litres foreign liquor from the TATA truck, Omni car
and Pickup van in question. The name of present petitioner
transpired on the basis of secret information who fled away
from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 24.05.2022 and bears criminal antecedent of one case of similar nature. Learned counsel further submits that petitioner was not apprehended on spot and he has no concern with the recovered wine and vehicle. It is further submitted that 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, the petitioner was not apprehended on spot 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 Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 110 of 2021 dated 28.02.2021, 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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