

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40693 of 2022**

Arising Out of PS. Case No.-173 Year-2022 Thana- NAVINAGAR District- Aurangabad

BABLOO RAM S/O SONU RAM Resident of Village- Jankpur Pokhra P.S.-
Nabingar, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Sangeeta Sharma

**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
Nabinagar P.S. Case No. 173 of 2020 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 34.5 litres country made liquor from the courtyard of the
petitioner. The petitioner was apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.05.2022 and bears criminal
antecedent of one case of similar nature. Charge sheet has been



submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the house from where recovery has been made is a joint family house. It is further submitted that nothing recovered from the possession of the petitioner and he has no concern with the seized illicit liquor.

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, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise 1st, Aurangabad, Bihar in connection with Nabinagar P.S. Case No. 173 of 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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