

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41375 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- BARUN District- Aurangabad

SHIV KUMAR S/o Birendra Ram R/o village- Pithanua, P.S.- Barun, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari

For the Opposite Party/s : Mr.Nityanand

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 Barun
P.S. Case No. 127 of 2022, G.R. No. 343/2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 67.50 litre illicit liquor from the motorcycle in question and
petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.04.2022 and bears criminal
antecedent of two cases in which one case is of similar nature.



He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner has no concern either with the motorcycle in question or alleged recovered liquor. No incriminating article has been recovered from physical possession of the petitioner or from his house.

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), Aurangabad in connection with Barun P.S. Case No. 127 of 2022, G.R. No. 343/2022, 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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