

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41349 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- CHANDRAMANDI District- Jamui

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ASGAR ANSARI S/o- Rahim Ansari Resident of Village - Pandra Baijara,
P.s.- Nirsha, Distt.- Dhanbad, (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha

For the Opposite Party/s : Mr.Md. Nazir Ansari

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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

Chandramandi P.S. Case No. 153 of 2021 registered for the

offences punishable under Sections 272, 273 of the I.P.C. and

Section 30(a) of the Bihar Prohibition and Excise(Amendment)

Act, 2018.

As per prosecution case, there is alleged recovery

of 3,600 litres spirit from the truck in question. The petitioner

and other co-accused was apprehended on spot.

Learned counsel for the petitioner submits that

petitioner is in custody since 19.10.2021 and bears no criminal



antecedent. 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 petitioner is alleged to be the driver of the said truck and he has no knowledge about the said recovery. It is further submitted that the petitioner has falsely been implicated in this case.

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, keeping in view clean antecedent of petitioner, 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 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, Jamui in connection with Chandramandi P.S. Case No. 153 of 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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