

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41621 of 2022**

Arising Out of PS. Case No.-176 Year-2022 Thana- RAJAPAKAR District- Vaishali

PRINCE KUMAR Son of Keshav Kumar Chaudhary Resident of village-
Rahimapur, Ward no. 6, P.s.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Suresh Prasad 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
Rajapakar P.S. Case No. 176 of 2022 dated 31.05.2022
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 100 litres country made liquor from the tempo in question.
The petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 01.06.2022 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 petitioner is the owner of the said tempo and he drives himself to earn his livelihood and being a tempo driver, he is not in the capacity to check each and every luggage of the passenger. It is further submitted that petitioner was not aware of the illicit liquor which was kept in a plastic bag under the seat of the alleged tempo.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Excise Court No. 2, Vaishali, Hajipur in connection with Rajapakar P.S. Case No. 176 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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