

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43316 of 2022

Arising Out of PS. Case No.-454 Year-2018 Thana- ROSERA District- Samastipur

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BASANT KUMAR S/o Bindeshwar Singh @ Bindeshwar Mandal R/o
village- Raniparti Thika, Ward No. 08, P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-08-2022 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 Rosera

P.S. Case No. 454 of 2018 registered for the offences punishable

under Section 30(a) of the Bihar Prohibition and Excise Act,

2016.

As per prosecution case, there is alleged recovery

of 213.84 litres foreign liquor from the house of the petitioner.

The apprehended co-accused, namely, Daya Kant Singh

disclosed the name of the petitioner and others who fled away

from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 03.04.2022 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 the petitioner was not apprehended on spot and alleged recovery is made from the joint house of the petitioner. It is further submitted that petitioner has no concern with the alleged recovery and nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently 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, 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 Special Judge, Excise Court-I, Samastipur in connection with Rosera P.S. Case No. 454 of 2018, 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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