

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45409 of 2022**

Arising Out of PS. Case No.-111 Year-2020 Thana- GADHPURA District- Begusarai

SARVESH KUMAR @ LALLA SON OF SANATAN SINGH R/O
VILLAGE- KORAI, P.S.- GADHPURA, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Anita Kumari

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 02-09-2022 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
Gadhpura P.S. Case No. 111 of 2020 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 971.52 litres Indian made foreign liquor from the truck in
question.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.06.2022. Petitioner bears two
criminal antecedent out of which one case is of similar nature.



Learned counsel further submits that the petitioner is not named in the F.I.R. Name of petitioner has been surfaced in para 30 of case diary as petitioner and others are involved in the business of illicit liquor and same is mentioned in impugned order. 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 as well as period of custody, petitioner is not named in the F.I.R. 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge – 1, Begusarai in connection with Gadhpura P.S. Case No. 111 of 2020, 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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