

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45372 of 2022**

Arising Out of PS. Case No.-1342 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

VISHAL KUMAR Son of Mishri Lal Rai Resident of Village - Shivraha
Basudev, Police station- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Ms.Renu 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 through virtual mode.

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No. 1342/2019 registered for the offences punishable
under Sections 272, 273 of the Indian Penal Code and Sections
30(a) /36/ 38 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 8.640 liters foreign liquor from the road near the house of
Ram Shresth Rai. Local people disclosed the name of petitioner
and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither concerned with the seized liquor nor the place from where the alleged recovery was made. The petitioner is languishing in custody since 06.04.2022 and bears criminal antecedent of two cases. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted in this case as submitted 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 No.-I, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1342/2019, 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)

amitkumar/-

U		T	
---	--	---	--

