

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44989 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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ANIL KUMAR son of Bindeshwar Prasad Resident of - Kanhauli Math, P.S.-
Mithanpura, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Opposite Party/s : Mr.Lalan Kumar

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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 Excise
P.S. Case No. 127/2022, P.R. No. 34/2022 registered for the
offences punishable under Sections 30(a), 32 (3) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 806.580 liters foreign liquor from the house of co-accused,
Vishambhar Srivastava. It is alleged that the petitioner has taken
the said house on rent. The name of petitioner disclosed by the
spy and local people and he was not apprehended on spot.



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 is neither owner of the house nor tenant of the house from where said recovery of wine was made. The petitioner has no concern with the seized liquor. Learned counsel for the petitioner further submits that the petitioner is languishing in custody since 07.03.2022 and bears criminal antecedent of 04 cases out of which 02 cases are of similar nature and in all cases he is on bail. There is no compliance of Section 100 Cr.P.C.

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 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court No.-II, Muzaffarpur in connection with Excise P.S. Case No.



127/2022, P.R. No. 34/2022, 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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