

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46119 of 2022

Arising Out of PS. Case No.-252 Year-2022 Thana- BHAGWAN BAZAR District- Saran

KUNDAN RAI Son of Ganesh Rai Resident of village - Gudari Bazar, P.S.-
Bhagwan Bazar, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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
Bhagwan Bazar P.S. Case No. 252 of 2022 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 60 litres illicit liquor from hut (Palani) of petitioner.
Petitioner was apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.05.2022. Petitioner bears three
criminal antecedent of similar nature. Charge sheet has already



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is no compliance of Section 100 of Cr.P.C. Petitioner is falsely implicated on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner. Recovery has been made from Gudri Bazar, near Macchli Hatta.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties 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 1st Exclusive Special Judge, Excise, Saran in connection with Bhagwan Bazar P.S. Case No. 252 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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