

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47971 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- PRATAPGANJ District- Supaul

BHAVESH KUMAR S/o Ramesh Yadav R/o village- Lachhmipur, P.S.-
Fulkaha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Pratapganj P.S. Case No. 132 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 756 litres of Dilwale Sofi Nepali wine from Bolero vehicle in
question. Petitioner is alleged to be the owner of the said Bolero
and he is not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.04.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner although recovery has been made from Bolero vehicle in question and petitioner has no knowledge about the same. The petitioner has no concern with the recovered wine. Petitioner is not apprehended on spot. There is no compliance of Section 100(6) of the Cr. P. C. Seizure list has not been made as per law.

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, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Extra Special Judge Excise Court No. 2, Supaul in connection with Pratapganj P.S. Case No.132 of 2021, 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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