

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49083 of 2022

Arising Out of PS. Case No.-361 Year-2022 Thana- BODHGAYA District- Gaya

NOULEGE KUMAR @ NAULEJ KUMAR S/o Vikash Yadav R/o village-
Fulchatar, P.S.- Bodh Gaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para 1 of the petition.

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 Bodh
Gaya P.S. Case No. 361 of 2022 registered for the offences
punishable under Section 30(a) of Bihar Excise Prohibition
Amendment Act, 2022

As per prosecution case, there is alleged recovery
of 150 litre country made wine from two motorcycles in
question and petitioner is apprehended on spot. It is also alleged
that petitioner was piloting the group of three motorcycles.



Learned counsel for the petitioner submits that petitioner is in custody since 21.06.2022 and bears no criminal antecedent. He further submits that nothing has been recovered from conscious possession of the petitioner or from his motorcycle rather recovery was made from two another motorcycles bearing Registration No. BR02AS4298 and JH24E9842. Petitioner has no connection with the said motorcycle from where the recovery was made and he is not owner of the alleged recovered wine. Petitioner has been falsely implicated in the case on the basis of suspicion. He further submits that no independent witness has been made witness of seizure list which is violation of Section 100 of Cr.P.C.

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, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides 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 Exclusive Excise Court No. 1, Gaya in connection with Bodhgaya P.S.



Case No. 361 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)

vashudha/-

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