

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49276 of 2022**

Arising Out of PS. Case No.-237 Year-2022 Thana- AMAS District- Gaya

RAJESH SINGH BHOKTA S/o Late Naresh Singh Bhokta Resident of
Village- Baghmarwa, P.S.- Amas, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 23-09-2022 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 Amas P.S.
Case No. 237/2022 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
total 65 liters country made wine from the place of occurrence.
Local villagers disclosed the name of petitioner 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. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 05.07.2022 and bears no criminal antecedent. The petitioner was not apprehended on the spot and local villagers disclosed the name of petitioner who fled away from the place of occurrence. He further submits that the alleged wine was recovered from the motorcycle and from the house of co-accused, Dilip Manjhi. The petitioner has neither concerned with the seized motorcycle nor concerned with the alleged house. Seizure list has not been prepared 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 was not apprehended on the spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Gaya in connection with Amas P.S. Case No. 237/2022, 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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