

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49748 of 2022**

Arising Out of PS. Case No.-270 Year-2022 Thana- SAHPUR District- Patna

NEERAJ KUMAR SON OF LATE SHANKAR RAI R/O VILLAGE-  
PURANI PANAPUR, P.S.- AKILPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

**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.

The petitioner seeks bail in connection with  
Special Case No. 861 of 2022 arising out of Shahpur P.S. Case  
No. 270 of 2022 registered for the offences punishable under  
Sections 30(a)/36/41 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery  
of 60 liters country made illicit liquor from the Passion Pro  
motorcycle in question and petitioner is apprehended on spot.

Learned counsel for the petitioner submits that  
petitioner is in custody since 14.06.2022. Petitioner bears no  
criminal antecedent. 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 the petitioner is not the owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Nothing incriminating article has been recovered from the conscious possession of the Petitioner. Petitioner is quite innocent and has falsely implicated in this case. There is no eye witness in this case.

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, keeping in view clean antecedent of the petitioner, 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 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, Danapur, Patna in connection with Special Case No. 861/2022 arising out of Shahpur P.S. Case No. 270 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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