

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50282 of 2022

Arising Out of PS. Case No.-207 Year-2022 Thana- NADI P.S. District- Patna

ANDIP KUMAR S/o Late Vijay Rai @ Vijay Ram Resident of Village-
House Builders, Ward No.05, Raghapur, Rampur Shyamchand, P.S.-
Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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
Special Case No. 198 of 2022 arising out of Nadi P.S. Case No.
207 of 2022 registered for the offences punishable under Section
30(a) of the Bihar Prohibition Excise Amendment Act,2018.

As per prosecution case, there is alleged recovery
of 55 liter country made liquor from the possession of petitioner
and he is apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.05.2022. Petitioner bears no



criminal antecedent. He further submits that petitioner has no concern either with the alleged recovered wine or the motorcycle in question. Basically nothing has been recovered from the conscious possession of petitioner.

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 Special Judge, Excise, Patna City in connection with Special Case No. 198 of 2022 arising out of Nadi P.S. Case No. 207 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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