

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49240 of 2022

Arising Out of PS. Case No.-320 Year-2022 Thana- TRIVENIGANJ District- Supaul

ABHISHEK KUMAR @ MUNNA SON OF GARBHU MANDAL R/O
VILLAGE- TETRAHI, WARD NO.-10 AMAHA TOLA, P.S.- PIPRA,
DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Jha

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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 in virtual court proceeding.

The petitioner seeks bail in connection with
Triveniganj P.S. Case No. 320 of 2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, the informant received
secret information that petitioner and others are coming by four
wheeler vehicle with illicit liquor and on the basis of said
information police recovered 779.1 litre of *Nepali Dilwale* sofia
wine from vehicle in question and two persons are said to have



fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 18.07.2022 and bears criminal antecedent of one case of similar nature. He further submits that petitioner is neither owner nor driver of seized vehicle. Petitioner has no concern with vehicle owner, driver and seized liquor. He also submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot.

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 spot, arguments 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, **after framing of charge** 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, Supaul in connection with Triveniganj P.S. Case No. 320 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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