

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50676 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- BAIRIYA District- West Champaran

SHEKH SIKANDER S/o Shekh Imam Resident of Village- Tilangahi, Nai Basti, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Ms.Renu Kumari

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 Bairiya P.S. Case No. 70 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Section 414 of the IPC.

As per prosecution case, there is alleged recovery of 297.140 litre of foreign liquor from the tractor in question which was being driven by the petitioner. Petitioner is apprehended on spot.

Learned counsel for the petitioner submits that petitioner is in custody since 15.03.2022 and bears no criminal



antecedent. He further submits that petitioner is implicated in the case on account of the fact that he was the driver of the tractor in question. He also submits that petitioner is not related with the other co-accused of this case and he has no concern with the alleged recovered wine. No incriminating article has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He also submits that there is no compliance 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, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence, 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 Special Judge Excise, Bettiah, West Champaran in connection with Bairiya P.S. Case No.70 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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