

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70860 of 2021

Arising Out of PS. Case No.-370 Year-2021 Thana- BIBHUTIPUR District- Samastipur

ANIL KUMAR Son Vipat Mahto Resident of Village- Deshari, Karankh,
Ward No.17, P.S.- Vibhutipur, District- Samstipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 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
Vibhutipur P.S. Case No. 370 of 2021 registered for the offences
punishable under Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, total 4518 liters of foreign
liquor was recovered from the truck in question and the
petitioner and others were apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.10.2021. 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 nothing has been recovered from the possession of the petitioner and his name has surfaced in this case on basis of suspicion. The petitioner is proprietor of Food Selection Line Hotel in front of which the truck was parked and petitioner has no concern either with the truck or with the recovered liquor.

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, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, 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 A.D.J. IInd-cum-Special Judge, Excise Samastipur in connection with Vibhutipur P.S. Case No. 370 of 2021, 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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