

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70820 of 2021

Arising Out of PS. Case No.-125 Year-2021 Thana- MUSRIGHRARI District- Samastipur

PRABHAT KUMAR Son of Raj Kumar Mahto Resident of Village - Purnahi,
P.s. - Warishnagar, District - Samastipur (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Barj Kishore Sharma

For the Opposite Party/s : Mr.Chandra Sen Prasad 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
Musrigharari P.S. Case No. 125 of 2021 registered for the
offences punishable under Sections 30(a), 36, 41(i) of Bihar
Prohibition & Excise (Amendment) Act, 2018.

As per prosecution case, total 1933.560 litres
foreign liquor was recovered from the truck in question and
accusation against the petitioner was to unload the said truck
and the petitioner was apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.09.2021. 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 petitioner has no concern with the alleged recovered illicit liquor. Petitioner was coming from Muzaffarpur and he asked for lift then driver stopped the truck and petitioner sat on the truck. The petitioner has no knowledge about the illicit 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 Additional District and Sessions Judge 2nd cum Special Judge (Excise Act), Samastipur in connection with Musrigharari P.S. Case No. 125 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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