

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33061 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- KALYANPUR District- Samastipur

CHHOTU ROY @ CHHOTU KUMAR S/o Bhunni Roy @ Bhuneshwar Ray
R/o village- Ajna, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-08-2022 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 Kalyanpur P.S. Case No. 301 of 2021, Excise G.R. No. 1087 of 2021 registered for the offences punishable under Sections 30(a), 41(i), (ii) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, there is alleged recovery of 1824 litre illicit foreign liquor from the container in question which was parked in the bamboo orchard of co-accused Rajo Mahto. Villagers disclosed the name of petitioner and others, who fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 12.04.2022 and bears criminal antecedent of two cases in which one case is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from conscious possession of the petitioner and he has no concern with the seized container or liquor.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, charge sheet has been submitted in the case 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, **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Samastipur in connection with Kalyanpur P.S. Case No. 301 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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