

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12271 of 2023

Arising Out of PS. Case No.-492 Year-2022 Thana- SAHPUR District- Patna

ROHIT KUMAR Son of Pandit Ray @ Pandit Rai Resident of Village -
Daudpur, Ward No.- 02, P.S.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeswari Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Shahpur P.S. Case No. 492 of 2022 registered for the offences
punishable under Sections 30(A), 41 and 56 of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 900 litre foreign liquor from the pick up van in question. It is
further alleged that petitioner who was standing near the pick up
van and one co-accused namely Harendra Kumar who is driver
of the said vehicle alongwith others apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.10.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Harendra Kumar has already been granted bail vide Cr. Misc. No. 156 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands on better footing keeping in view the alleged facts and circumstances.

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, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, co-accused has already been granted bail by a co-ordinate Bench of this Court and on the principle of parity let the petitioner above named be released on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur in connection with Shahpur P.S. Case No. 492 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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