

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22378 of 2023

Arising Out of PS. Case No.-150 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RAVI KUMAR Son of Mahesh Prasad @ Mahesh Prasad Sah Resident of
village - Musarigharari, Ward No.- 7, P.S.- Musarigharari, District -
Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Excise
P.S. Case No. 150 of 2020 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act.

As per prosecution case, there is alleged recovery
of 4.200 litre foreign liquor from the house and asbestos shop
of the petitioner and one co-accused apprehended on the spot
and petitioner managed to flee away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.09.2022 and bears criminal
antecedent of two cases in which one is similar to the present



case. 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 spot. He further submits that petitioner is quiet innocent and has falsely been implicated in the case.

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, petitioner is not apprehended on spot, 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, let the petitioner above named be released on bail, **after framing of charge** 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 Court-02, Samastipur in connection with Excise P.S. Case No. 150 of 2020, 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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