

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22110 of 2023

Arising Out of PS. Case No.-292 Year-2021 Thana- BAJPATTI District- Sitamarhi

=====

VIVEK KUMAR SON OF RAMASHRAY RAY RESIDENT OF VILLAGE -
BACHOPATTI NARHA, TOLE - SONMANI TOLE, WARD NO. 14, P.S. -
BAJPATTI, DISTT. - SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

=====

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
Bajpatti P.S. Case No. 292 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery
of 131.400 litre country made Nepali Saufi liquor from three
jute bags which were found at Rasalpur Bazar Bantolwa Roads.
It is further alleged that apprehended co-accused persons
disclosed the name of the present petitioner who fled away from
the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 12.12.2022, as mentioned in impugned order and bears criminal antecedent of two cases which are not similar in nature and the petitioner is on bail in the said cases. 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.

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, 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, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge Exclusive (Excise), Court-II, Sitamarhi in connection with Bajpatti P.S. Case No. 292 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)

alok/-

U		T	
---	--	---	--

