

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28797 of 2023

Arising Out of PS. Case No.-465 Year-2022 Thana- ROHTAS District- Rohtas

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NAGINA BHUEYAN SON OF LATE EKLAKH BHUEYAN R/O-TUMBA,
P.S.-ROHTAS, DISTT.-ROHTAS

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Rohtas
P.S. Case No. 465 of 2022 registered for the offences punishable
under Section 30(a) and 37 of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery of
52 litre desi mahua liquor was recovered from the place of
occurrence and petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody 14.12.2022 and bears no criminal
antecedent. Charge-sheet has already been submitted and there
is no likelihood of tampering with the prosecution evidence. He



further submits that petitioner is quiet innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, 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 Exclusive Special Excise Court No. 2 Cum Additional District and Sessions Judge Rohtas at Sasaram in connection with Rohtas P.S. Case No. 465 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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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