

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77713 of 2023

Arising Out of PS. Case No.-605 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

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SAMARJIT KUMAR Son of Lalit Yadav @ Lalit Kumar Singh Resident of
Village - Shahpur Undi, P.S.- Patori, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Patori
(Mohanpur O.P.) P.S. Case No. 605/2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

As per prosecution case, two persons apprehended
along with Dzire car and White Xylo Car. Co-accused Sidant
Kumar @ Nitish Kumar @ Nitu is alleged to the driver of the
Dzire Car in question and petitioner is alleged to be the driver of
the Xylo Car in question. It is further alleged that total 165.9
litre foreign liquor was recovered from both vehicles in
question.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner has no knowledge about the recovered liquor kept in vehicle. Petitioner bears no criminal antecedent and he is not in any way connected with the alleged occurrence. Petitioner is in custody since 22.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. It is further submitted that co-accused Sidant Kumar @ Nitish Kumar @ Nitu has already been granted bail by this Court vide Cr. Misc. No. 75070/2023 and the case of present petitioner stands more or less on similar footing.

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, keeping in view the clean antecedent of the petitioner, co-accused has already been granted bail, 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 Special Judge



(Excise) – 2, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case No. 605/2023, subject to the 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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