

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5044 of 2024

Arising Out of PS. Case No.-624 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Anmol Kumar Son of Lal Babu Sahni Resident of Village - Baijnathpur,
Police Station - Sour Bazar, District – Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey
For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Kotwali (Barari) P.S. Case No. 624/2023 registered for the

offences punishable under Sections 30(a), 32(i)(ii) and 41 of the

Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery

of 108 liters foreign liquor from Alto car in question. The

petitioner was alleged to be driver of the said car and

apprehended on the spot.

4. Learned counsel for the petitioner submits that

petitioner is innocent and has falsely been implicated in this

case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 07.07.2023 and bears no criminal antecedent. He further submits that the petitioner was neither owner nor driver of the said car in question. He further submits that the petitioner is apprehended on the spot merely on suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that there is no compliance of Section 100 Cr.P.C. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Bhagalpur in connection with



Kotwali (Barari) P.S. Case No. 624/2023, 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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