

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19119 of 2024

Arising Out of PS. Case No.-1084 Year-2023 Thana- ALAMGANJ District- Patna

=====

SANJAY KUMAR S/O- LATE HARI PRASAD R/O- DADARMANDI,
GULZARBAGH, P.S.- ALAMGANJ, DIST.- PATNA. PIN- 800007.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Shantanu Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Alamganj P.S. Case No. 1084/2023 registered for the offences punishable under Sections 30(a)/ 32/ 36 of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there was alleged recovery of 250 litre country made mahua liquor from the scooty in question and the petitioner apprehended on the spot alongwith other.

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



27.11.2023 and bears criminal antecedent of one case which is not similar to the present case in which he is on bail. He further submits that the petitioner is not the owner of the alleged scooty in question. The petitioner was apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that there is no compliance of Section 100 Cr.P.C. On similar and identical allegations, co-accused Raju Kumar and Pappu Ram have already been granted bail by this Court vide Cr. Misc. No.4442/2024 and Cr. Misc. no.4736/2024 respectively and on the principle of parity, the petitioner also deserves same treatment.

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, co-accused persons have 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Act, Patna City in connection



with Alamganj P.S. Case No. 1084/2023, 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)

amitkumar/-

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

