

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16420 of 2022**

Arising Out of PS. Case No.-148 Year-2019 Thana- RAFIGANJ District- Aurangabad

ASHOK SINGH S/o- Sudarshan Singh Resident of Village- Gothani, P.S.-
Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.Kanhaiya Kishore

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Rafiganj P.S. Case No. 148 of 2019 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, informant got information
that petitioner and others kept illegal wine in abandon latrine
situated beside Middle School, Gotahani. On information,
informant reached to the place of occurrence and saw that after
seeing the police personnel two persons started fleeing away. On
search total 1900 pouch country made liquor has been recovered



and local chaukidar disclosed the name of person who fled away as Ashok Singh (petitioner) and other.

Learned counsel for the petitioner submits that petitioner is in custody since 04.01.2022. Petitioner bears criminal antecedent of four cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged illegal liquor and he is not apprehended on spot.

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 as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge 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 1st, Aurangabad in connection with Rafiganj P.S. Case No. 148 of 2019, G.R. No.



677 of 2019, 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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