

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41853 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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AMARNATH GOND Son of Ramashankar Gond Resident of village- Gonthi,
P.S.- Ander, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Excise
P.S. Case No. 16 of 2022 registered for the offences punishable
under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 246.780 litre illicit foreign liquor from the tractor in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name transpired in
this case being owner of seized tractor in question. Petitioner is
in custody since 26.06.2022 and bears no criminal antecedent.



He further submits that co-accused Shailesh Kumar Yadav has taken his tractor for agriculture purpose and petitioner has no knowledge that tractor has been misused by the co-accused. He further submits that neither petitioner was apprehended on the spot nor anything has been recovered from his possession. Petitioner has no concern with the alleged recovery.

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 clean antecedent of petitioner, petitioner is not apprehended on the spot 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 Additional Sessions Judge cum Special Judge, Excise-2, Siwan in connection with Excise P.S. Case No. 16 of 2022, 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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