

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11549 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

ARVIND SINGH @ ARVIND KUMAR Son of Rambachan Singh R/o
Village - Natwar Bazar Ward No.- 13, P.S.- Natwar, District - Rohtas
(Sasaram)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Mohania (Mohaniya) P.S. Case No. 30 of 2022 registered for the
offences punishable under Sections 414 of the I.P.C. and Section
30(a), 47 of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 122.79 liter foreign liquor from the pick up van in question.
Petitioner being the driver of the said truck apprehended on
spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.01.2023. Petitioner bears one
criminal antecedent which is not of similar nature. Charge sheet



has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, 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 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 No. 1 – cum- Addl. District Judge IV Kaimur at Bhabhua in connection with Mohania (Mohaniya) P.S. Case No. 30 of 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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