

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11776 of 2023

Arising Out of PS. Case No.-444 Year-2017 Thana- SIWAN CITY District- Siwan

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MUNNA GIRI S/O LATE KARIPANATH GIRI Resident of Village- Math
Baulia, P.O.- Ahirauli Baghel, P.S.- Bankata, District- Deoria (U.P.).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi

For the Opposite Party/s : Mr.Ashok Kumar Singh

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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 Siwan
Town P.S. Case No. 444 of 2017 registered for the offences
punishable under Section 30, 36 and 41 of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
141.93 liter foreign liquor from the indigo car in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the present case as the owner of the said vehicle.
He further submits that petitioner himself surrendered before the
court. He further submits that petitioner is in custody since
24.01.2023 and bears no criminal antecedent. Charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the 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, period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge -02, Siwan in connection with Siwan Town P.S. Case No. 444 of 2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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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