

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22518 of 2023

Arising Out of PS. Case No.-683 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SHYAM KUMAR SON OF SHRI SHIV NANDAN SAH RESIDENT OF
VILLAGE - MACHAHA, WARD NO. 04, P.S. - SINGHAUL, DISTT. -
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Smt. Sudha Ambastha

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Begusarai (Sadar) Muffasil (Singhoul) P.S. Case No. 683 of
2022 registered for the offences punishable under Sections 30(a)
of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 717.12 liter foreign liquor from the place of occurrence.
Apprehended co-accused Ashok Rajak disclosed the name of
petitioner as petitioner and others engaged in business of liquor.

Learned counsel for the petitioner submits that
petitioner is in custody since 22.01.2023. Petitioner bears two
criminal antecedents of similar nature. Learned counsel further



submits that the petitioner is not apprehended on spot. Name of present petitioner has been transpired on the basis of statement of co-accused Ashok Rajak. Petitioner is innocent and has falsely been implicated in this case.

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, argument advanced on behalf of the parties 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 Additional Sessions Judge – I (Spl. Judge Excise Act), Begusarai in connection with Begusarai (Sadar) Muffasil (Singhoul) P.S. Case No. 683 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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