

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30679 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

Darayush Kawas Ashabaid @ Darayush Kwas Ashabaid S/O Kwas D. Ashabaid Resident Of Village- 19 Parsi Hostal Strighat Mail Road Bag N0.- Jamshed Vidhyalaya Ke Pas, P.S- Bestupur, Distt.- East Singh Bhumi (JHARKHAND).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 20.01.2023 in connection with Mohamadpur P.S. Case No. 22 of 2023, F.I.R. dated 19.01.2023 for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act.

3. According to prosecution case, recovery of total 60.48 has been made by the police party.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from the bare perusal of the F.I.R., it appears that nothing incriminating article has been recovered from the possession of the petitioner



and the recovery has been made from the car in question. He further submits that altogether 60.48 liter of foreign liquor has been recovered from the car and the petitioner has no concern at all with the alleged recovery of the liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.01.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is the owner of the vehicle and recovery has been made from the vehicle in question.

6. Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. II- cum – Special Judge, Excise Court – Ist, Gopalganj, in connection with Mohamadpur P.S. Case No. 22 of 2023, subject to the following conditions:-

i. One of the bailor shall be father of the petitioner namely, Kwas D. Ashabaid.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Aditi

U		T	
---	--	---	--

