

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22038 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BASANTPUR District- Siwan

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ARJUN KUMAR SON OF LATE AWADHESH PRASAD RESIDENT OF
VILLAGE- MAHUARI, PS- MAHARAJGANJ, DISTT- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Lalan 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 Basantpur
(Lakri Nawiganj O.P.) P.S. Case No. 28/2023 registered for the
offences punishable under Sections 272, 273, 328, 308, 304,
120(B), 34 of the Indian Penal Code and Sections 30(a), 37(b),
33 and 34 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
800 pieces of 8 PM stickers from the shop of the petitioner and
other. The petitioner and other apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. He further submits that the petitioner is languishing in custody since 24.01.2023 and bears no criminal antecedent.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioner, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.01, Siwan in connection with Basantpur (Lakri Nawiganj O.P.) P.S. Case No. 28/2023, 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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