

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29883 of 2023

Arising Out of PS. Case No.-144 Year-2020 Thana- SIGAUDI District- Patna

AWDHESH KUMAR Son of Sukan @ Suman Yadav Resident of Village -
Sahora, P.S.- Sigori, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Special Excise Case No. 5094 of 2020 arising out of Sigori P.S.
Case No. 144 of 2020 registered for the offences punishable
under Sections 272, 273 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, on the basis of disclosure
made by the spy that petitioner and others are manufacturing
liquor near bamboo orchard situated at the bank of Punpun river,
informant along with other police officials reached there and
recovered 80 litre country made liquor. All the accused persons
including the petitioner are alleged to have fled away from the
spot after seeing the police party.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. Petitioner is in custody since 20.07.2022 and bears criminal antecedent of seven cases out of which six cases are of similar nature. 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 opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, 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, **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 Special Excise Judge, Danapur, Patna in connection with Special Excise Case No. 5094 of 2020 arising out of Sigori P.S. Case No. 144 of 2020 , 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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