

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36407 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- ATRI District- Gaya

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KAMAKHYA NARAYAN SINGH @ BHIM SINGH S/o- RAMANAND
SINGH Village- Punar Ps- Atri Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh
For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para-1 and prayer portion of the

petition during course of the day.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Atri

P.S. Case No. 155 of 2023 registered for the offences punishable

under Section 30(a) of Prohibition and Excise Amendment Act,

2018 and 37 of Prohibition and Excise Amendment Act, 2022.

As per prosecution case, there is alleged recovery

of 3 litre mahua liquor from the cabin of truck which was being

driven by the petitioner and he was apprehended on the spot. It

is further alleged that petitioner was found in drunken condition

and on the basis of breathe analysis test it was confirmed that



petitioner consumed alcohol.

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 21.03.2023 and bears criminal antecedent of one case which is not similar to the present case and in the said case he is on bail. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been made in accordance with law.

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, 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 Additional Sessions Judge cum Exclusive Special Excise Court No. 1, Gaya in connection with Atri P.S. Case No. 155 of 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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