

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36648 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- KATEYA District- Gopalganj

PASPATI SINGH @PASHUPATI SINGH SON OF UTIM SINGH
RESIDENT OF VILLAGE -BHAGWANPUR P.S. KATEYA, DISTT-
GOPALGANJ, BIHAR. Petitioner/s

Versus

The State of Bihar BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Learned counsel for the petitioner is permitted to make necessary correction in para 25 of the bail 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 Kateya P.S. Case No. 155/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 105 liters country made liquor from field of maize. Petitioner is not apprehended on the spot. Local Chowkidar and villagers disclosed the name of the petitioner who fled away from the place of occurrence.

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



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 08.05.2023 and bears criminal antecedent of four cases of similar nature and in all cases he is on bail. He further submits that petitioner has neither concerned with the seized liquor nor concerned with the said place.

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, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise-I, Gopalganj in connection with Kateya P.S. Case No. 155/2023, 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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