

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42107 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

SAJAN BIND Son of Shivpujan Vind Resident of village - Ruia, P.S.-
Durgawati, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Durgawati P.S. Case No. 146 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged
recovery of 138.240 litre country made liquor from the tempo in
question. It is further alleged that apprehended co-accused
Jitendra Kumar disclosed the name of the present petitioner who
succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 19.05.2023 and bears criminal
antecedent of three cases in which two cases are of similar



nature. He further submits that co-accused Jitendra Kumar who disclosed the name of the present petitioner has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 41625 of 2023 and the case of present petitioner stands on better footing. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he was not apprehended on the spot.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. 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, co-accused has already been granted bail by the Co-ordinate Bench of this Court, 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 Judge Excise No. 2 cum A.D.J. VII, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 146 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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