

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47166 of 2023

Arising Out of PS. Case No.-377 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

GANESH KUMAR SINGH S/O YOGPAL SINGH R/O VILLAGE-
RATANPURA, PS. SAHPUR, DIST. BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 10.06.2023, in connection with Mohania P.S. Case No. 377 of 2023, F.I.R. dated 09.06.2023 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a), 47 of the Bihar Prohibition and Excise Amendment Act.

3. Recovery is of 296.16 litres of illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner



rather recovery has been made from the vehicle in question which has been mentioned in the F.I.R. and the petitioner has no concern at all with the alleged recovery of illicit liquor and he is not the owner of the vehicle in question. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the petitioner is in custody since 10.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and nothing has been recovered from the possession of the petitioner and having no criminal antecedent, 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 Special Judge Excise Court No. 1 cum Additional District Judge-IV, Kaimur at Bhabua in connection with Mohania P.S. Case No. 377 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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