

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52822 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- CHAKIA District- East Champaran

Ashok Singh Son Of Munsu Singh Resident Of Village- Mani Chapra, Ps-
Chakiya, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
15.07.2023 in connection with Chakia P.S. Case No. 220 of
2023, F.I.R. dated 15.06.2023 for the offences punishable under
Section 30(a), 32, 41(1) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Recovery is of total 4392.360 liters of Party Special
Superior Whisky.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of suspicion. 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 or the house of



the petitioner rather the recovery has been made from the Truck and Bolero vehicle in question. He further submits that petitioner is neither the owner nor the driver of the aforesaid vehicle in question and petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 15.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries five criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, East Champaran, Motihari in connection with Chakia P.S. Case No. 220 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 witnesses, 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 antecedent, 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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