

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58144 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- GORAU District- Vaishali

Ayodh Kumar Son of Late Sikil Rai Resident of village - Mansurpur Halaiya,
P.s. - Goraul, (O.P. - Katahara), Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.07.2023 in connection with Goraul (O.P- Katahar) P.S. Case
No. 308 of 2023, F.I.R. dated 16.07.2023 for the offences
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 662.04 liters of illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
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
the recovery has been made from the house of the co-accused,



namely, Pankaj Rai as well as the vehicle standing near the house of Pankaj Rai. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the vehicle in question and the petitioner was just passing through the house of the co-accused person where he was apprehended by the police on the basis of suspicion. The petitioner is in custody since 17.07.2023.

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

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, let the petitioner, above named, be released on bail 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 cum Additional District & Sessions Judge, Vaishali at Hajipur in connection with Goraul (O.P- Katahar) P.S. Case No. 308 of 2023, subject to the following conditions:-

i. 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.



ii. 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.

iii. 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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