

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64188 of 2023

Arising Out of PS. Case No.-591 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

BANTY KUMAR S/O BHARAT SINGH R/O KARANJ, P.S- DINARA,
DISTT.- ROHTAS AT SASARAM.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mohania P.S. Case No. 591 of 2023 registered for the offences punishable under Section 414 of the I.P.C. and Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 117 litre country made liquor was recovered from Tata Indigo Car in question and petitioner alongwith others was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not the owner of the car in question. No incriminating article has been recovered from the conscious possession of the petitioner. He has no concern with the alleged seized liquor. Learned counsel further submits that on similar



and identical allegation, co-accused Shrawan Kumar and Shrikesh Gupta have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 64715 of 2023 and on the principle of parity, petitioner also deserves bail. Petitioner is in custody since 21.08.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case.

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, keeping in view clean antecedent of petitioner, co-accused have already been granted bail, 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, 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. 1 -cum- A.D.J. IV Kaimur at Bhabhua in connection with Mohania P.S. Case No. 591 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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