

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62871 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- UCHKAGAON District- Gopalganj

ASHOK SINGH Son of Late Rameshwar Singh Resident of village -
Bankikhal, P.S.- Uchakagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra

For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Uchakagaon P.S. Case No. 263 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 612 liter country made wine from the vehicles in question. Petitioner alongwith one co-accused person is apprehended on spot and three persons managed to flee away.

Learned counsel for the petitioner submits that petitioner is in custody since 06.08.2022. Petitioner bears one criminal antecedent of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of



tampering with the prosecution evidence. Learned counsel further submits nothing has been recovered from the conscious possession or personal possession of the petitioner. Seizure list has not been made as per law. Petitioner is innocent and has falsely been implicated in the present case.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – II-cum-Special Judge Excise Court No. 1, Gopalganj in connection with Uchakagaon P.S. Case No. 263 of 2022, 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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