

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62018 of 2022

Arising Out of PS. Case No.-251 Year-2022 Thana- PALIGANJ District- Patna

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BABAN SINGH S/O SHEO KUMAR SINGH R/v- Mokimpur, P.S.- Garkha,
District- Saran (Chhapra)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Manoj Kumar

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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 in virtual court proceeding.

The petitioner seeks bail in connection with
Special Excise Case No. 915 of 2022 arising out of Paliganj P.S.
Case No. 251 of 2022 registered for the offences punishable
under Sections 30(a), 32, 36, 41(i)(ii) of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 626.25 litre foreign liquor from the tractor in question.
Petitioner is alleged to be owner of the said vehicle.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.07.2022 and bears no criminal
antecedent. 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 FIR. He has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that petitioner is not apprehended on the spot.

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, period of custody, keeping in view clean antecedent of petitioner, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur (Patna) in connection with Special Excise Case No. 915 of 2022 arising out of Paliganj P.S. Case No. 251 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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