

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66769 of 2023

Arising Out of PS. Case No.-354 Year-2023 Thana- KATEYA District- Gopalganj

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ABHAY KUMAR SAH @ ABHAY SAH SON OF GHARBHARAN SAH
RESIDENT OF VILLAGE- LADHI POST- SARARI P.S -GORIYA KOTHI
DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kr. Sinha, Adv. Mr. Ranjeet Patel, Adv. Mr. Divit Vinod, Adv.
For the Opposite Party/s :		Mr. Manoj Kumar

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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
Kateya P.S. Case No. 354 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, altogether 72.280 litre
illicit liquor was recovered from Maximo Mini Van in question
and petitioner was apprehended on the spot. Apprehended
petitioner further disclosed that seized vehicle in question
belonged to him.

4. Learned counsel for the petitioner submits that



petitioner was coming from Siwan and was going to his native village and the police officials asked the petitioner to turn his van back towards Siwan in order to drop them at Siwan Police line, and upon his refusal, petitioner has been falsely implicated in this case. Petitioner has nothing to do with the alleged occurrence. Petitioner is in custody since 02.08.2023 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. There is no compliance of Section 100 of Cr.P.C. No incriminating article has been recovered from the possession of the petitioner.

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, 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 Additional



District and Sessions Judge, 2nd -cum- Special Excise Court No. 1, Gopalganj in connection with Kateya P.S. Case No. 354 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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