

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77205 of 2023**

Arising Out of PS. Case No.-462 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

SARABJIT SINGH @ SARABJI SINGH S/O DILIP SINGH @ DALEP  
SINGH VILLAGE- SAHA ROAD, SAMTA VIHAR INDUSTRIAL AREA  
SONIYA COLONY SRI RAM TOL KANTA KE PAS, PS. MAHESH  
NAGAR, DIST. AMBALA CANTT, STATE- HARYANA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dheeraj Kumar, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      02-12-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Siwan  
Muffasil P.S. (Mahadeva O.P.) Case No. 462 of 2023 registered  
for the offences punishable under Sections 419, 420, 467, 468,  
471 of the I.P.C. and Sections 30(a), 32(i) (ii)/36, 41(i) (ii) of  
Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 3133.08 litre illicit foreign  
liquor was recovered from truck in question which was being  
driven by the petitioner and petitioner apprehended on the spot.

4. Learned counsel for the petitioner submits that  
petitioner is quite innocent and has not committed any offence  
as alleged in the FIR and he has falsely been implicated in this



case. Petitioner is in custody since 23.08.2023. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that petitioner is not owner of the truck in question. Petitioner is merely driver of the said truck and he has to follow the instruction of his owner to earn the livelihood. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner has no knowledge regarding the alleged liquor that has been kept in the truck in question. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been made as per law.

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, 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 Exclusive Special Excise Court No. II, Siwan in



connection with Siwan Muffasil P.S. (Mahadeva O.P.) Case No. 462 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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