

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77042 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- KOCHAS District- Rohtas

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SUNIL GIRI SON OF GAURI SHANKAR GIRI RESIDENT OF VILLAGE
- RAMJANPUR, P.S. - KANDA, DISTRICT - GAJIPUR (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharad Shekhar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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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.

The petitioner seeks bail in connection with
Kochas P.S. Case No 279/2023 dated 22.07.2023 registered for
the offences punishable under Sections 30(A) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, 527.760 litres of illicit
liquor was recovered from Mahindra XUV 500 car in question.
It is alleged that petitioner and other apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that petitioner is in custody since 23.07.2023.
Petitioner is not the owner of the vehicle in question and no



incriminating article has been recovered from his conscious possession. Petitioner has nothing to do with the alleged recovery. Petitioner is merely a driver of the vehicle in question and he has to follow the instruction of the owner to earn his livelihood. Petitioner bears no criminal antecedent. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution witness.

The learned A.P.P. for the State 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 the 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 Exclusive Special Excise Court No. 2 cum Additional District and Sessions Judge Rohtas at Sasaram in connection with Kochas P.S. Case No 279/2023 dated 22.07.2023, subject to the 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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