

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75815 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- HATHUA District- Gopalganj

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SUBHAM SINGH @ SHUBHAM SINGH S/O RAMESH SINGH
VILLAGE- RAMGADH, P.O-KHALWA, PS. NAUTAN, DIST. SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Hathua
P.S. Case No. 127 of 2023 registered for the offence punishable
under Section 30(a) of Bihar Prohibition and Excise Amendment
Act, 2022.

3. As per prosecution case, informant and others stopped
the car where 4-5 persons got down from the car and began to flee
away and it is alleged that apprehended co-accused Vivek Yadav
disclosed that the said liquor belongs to co-accused Nand Kishor
Yadav and chhotan Yadav and further disclosed that he alongwith
petitioner and other were transporting the said liquor and on seeing
the police party, they fled away from the spot. It is further alleged
that from the car in question 1035 litre country made liquor and
25.920 litre foreign liquor recovered.



4. Learned counsel for the petitioner submits that petitioner is in custody since 04.10.2023 and bears criminal antecedent of eight cases and he has falsely been implicated in one case after another in a routine manner. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no knowledge regarding alleged recovered liquor. Petitioner is not apprehended on spot. He further submits that petitioner is neither owner nor driver of the vehicle in question. He further submits that co-accused, Vivek Yadav, who was apprehended on spot, has already been granted bail vide Cr. Misc. No. 42853 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands on better footing keeping in view that petitioner is not apprehended on spot. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail by co-ordinate Bench, argument advanced on



behalf of the parties 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 Session Judge-II-Cum Special Excise Judge-01, Gopalganj in connection with Hathua P.S. Case No. 127 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)

vashudha/-

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