

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75031 of 2023

Arising Out of PS. Case No.-966 Year-2023 Thana- DANAPUR District- Patna

PAPPU KUMAR SON OF SITA RAM SINGH RESIDENT OF
SULTANPUR KOIRY TOLA, P.S. - DANAPUR, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Spl.
Excise Case No. 2204 of 2023 arising out of Danapur P.S. Case
No. 966 of 2023 registered for the offence punishable under
Sections 30(a), 41 and 56 of the Bihar Prohibition and Excise
Act.

3. As per prosecution case, there was alleged
recovery of 100 litre country made mahua liquor from the tempo
in question and petitioner apprehended on spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 22.07.2023. Petitioner 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. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged occurrence. Petitioner is neither owner nor driver of the tempo in question. Petitioner was merely a passer by and he 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, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 Special Excise Judge, Danapur (Patna) in connection with Spl. Excise Case No. 2204 of 2023 arising out of Danapur P.S. Case No. 966 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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