

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77720 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- KHODAWANDPUR District- Begusarai

HIRA DAS @ HIRALAL DAS S/O RADHE DAS RESIDENT OF
VILLAGE RAJOPUR PS KHODAWANDPUR DISTRICT BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Khodawandpur P.S. Case NO. 174/2023 registered for the offences punishable under Sections 272, 273, 420, 467, 468, 471, 414, 120(b)/34 of the IPC and Sections 30(a),41/(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, informant along with other police officials got secret information that huge quantity of liquor was being brought at the behest of petitioner along with one Gulshan Yadhav(co-accused) and others by truck and they were unloading it to small vehicles. When the informant and other police officials reached the spot, petitioner and others succeeded in fleeing away. Thereafter on search 1518.480 litre



foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. It is further submitted that the petitioner has falsely been implicated in this present case because he bears criminal history of similar nature. Petitioner is not the owner of the vehicle in question. It is further submitted that petitioner is not apprehended on spot. Petitioner is in custody since 30.08.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been made as per law. Petitioner bears criminal antecedent of one case in which he is on bail. It is further submitted that alleged recovery was made from truck in question which has been recovered from the field of one Narayan Das and petitioner has no concern with the alleged recovery. No incriminating article has been recovered from conscious possession of petitioner.

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, petitioner is not apprehended on spot, 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 Spl. Excise Judge-1st, Begusarai in connection with Khodawandpur P.S. Case No. 174/2023 , 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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