

Arising Out of PS. Case No.-24 Year-2018 Thana- AWTARNAGAR District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Awatarnagar P.S. Case No. 24 of 2018 registered for the offences punishable under Sections 188, 272, 273, 34, 120 (B), 420 IPC and Sections 30, 38 and 41 of Bihar Prohibition and Excise Act.

3. As per prosecution case, 5203.44 litre foreign liquor besides bags of potatoes was seized from truck in question and two persons being drivers of the said truck apprehended on spot and disclosed their name as co-accused Sunder Singh and Gurvinder Singh. Co-accused Sunder Singh further disclosed that the said liquor was being supplied to petitioner and co-accused Guddu Tiwary alongwith other.



Learned counsel for the petitioner submits that petitioner is in custody since 09.09.2023 in connection with Manjhi P.S. Case No. 290 and remanded in the present case on 29.09.2023. He further submits that petitioner bears criminal antecedent of five cases and orally submits that he is on bail in all cases. He further submits that petitioner has been roped one by one in the same year of 2018 in five cases by the police which clearly indicates that how the petitioner has been implicated in the cases one by one in a routine manner. Except confessional statement of co-accused Sundar Singh, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is not apprehended on spot. He further submits that co-accused Tapes Kumar Tiwary@ Guddu Tiwary has already been granted anticipatory bail vide Cr. Misc. No. 54203 of 2018 by a co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

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

Considering the facts and circumstances of the case, period of custody, co-accused on similar and identical allegation has already been granted anticipatory bail by a co-



ordinate Bench of this Court, 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 1st Exclusive Special Excise Judge, Saran at Chapra in connection with Awatarnagar P.S. Case No. 24 of 2018, 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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