

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79461 of 2023

Arising Out of PS. Case No.-149 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

TIGER SINGH S/o JANARDHAN SINGH R/o Vill - Kala Matihaniya, P.S. -
Vishambharpur, Distt. - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Vishambharpur P.S. Case No. 149/2023 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a), 41 and 45 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there was alleged recovery of 54 liters illicit liquor from the motorcycle of the petitioner bearing registration no.BR28AA5630 in question and 45 liters illicit liquor was also recovered from another motorcycle in question. Local people disclosed the name of petitioner and other who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion and previous enmity with the local people. The petitioner has nothing to do with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioner. The petitioner is not apprehended on the spot. The petitioner is languishing in custody since 22.08.2023 and bears criminal antecedent of one case. He further submits that the petitioner was neither the owner of the said motorcycle bearing registration no.BR28AA-5630 nor was concerned with the seized liquor. He further submits that except disclosure of local people, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, the petitioner is not apprehended on the 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II cum Special Judge, Excise Court No.-II, Gopalganj in connection with Vishambharpur P.S. Case No. 149/2023, 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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