

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77548 of 2023

Arising Out of PS. Case No.-671 Year-2023 Thana- Excise P.S. District- Aurangabad

Alok Kumar Son of Tinku Ram Resident of Mora Wadi Itlatu Shyam Nagar, P
S- Bariyatu, Distt- Ranchi.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh
For the Opposite Party/s : Mr.Khurshid Anwar

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.

2. The petitioner seeks bail in connection with Excise
(Aurangabad) P.S. Case No. 671/2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery
of total 125.625 liters foreign liquor from Winger Maxi Van and
the petitioner was co-driver of the said vehicle and apprehended
on the spot and the driver of the said vehicle fled away from the
place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent, has committed no offence and he has
falsely been implicated in this case. Nothing has been recovered



from the conscious possession of the petitioner and he has nothing to do with the alleged occurrence. The petitioner is a passer-by on the way and he has falsely been implicated in this case merely on suspicion. The petitioner is languishing in custody since 24.08.2023 and bears no criminal antecedent. He further submits that the petitioner was neither owner nor driver/co-driver of the said vehicle in question. He further submits that the seizure list has not been prepared as per the law. He orally submits that the 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, keeping in view clean antecedent of petitioner, 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 Exclusive Special Excise Court No.-II, Aurangabad in connection with Excise (Aurangabad) P.S. Case No. 671/2023,



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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