

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77054 of 2023**

Arising Out of PS. Case No.-577 Year-2023 Thana- WAJIRGANJ District- Gaya

=====

BABAN KUMAR S/O SRI SURENDRA YADAV R/O VILLAGE-  
MALATHIYA, P.S- WAZIRGANJ, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Sucheta Yadav

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      02-12-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Wazirganj P.S. Case No. 577 of 2023 registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

As per prosecution case, 400 litre country made  
Mahua Chulai liquor was recovered from Bolero vehicle in  
question and petitioner apprehended on spot. Apprehended  
petitioner disclosed the name of co-accused Mukesh Kumar  
who succeeded in fleeing away from place of occurrence.

Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence as alleged  
in the FIR and he has falsely been implicated in this case.



Petitioner is in custody since 18.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. It is further submitted that petitioner is neither owner nor driver of the vehicle in question and he has nothing to do with the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner bears no criminal antecedent.

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, keeping in view clean antecedent of the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. V, Gaya in connection with Wazirganj P.S. Case No. 577 of 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)**

asmit/-

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