

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79067 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

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UMESH KUMAR @ DURLAV Son of Chotelal Saigh RESIDNET OF
VILLAGE KHEM MATIHANIYA PS VISHAMBHAR PUR, DISTT. -
GOPALGANJ

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Vishambharpur P.S. Case No. 70/2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2023.

As per prosecution case, 108 litre country made
liquor was recovered from three motorcycles in question. It is
alleged that after seeing the police party all the three persons on
motorcycles fled away from the place of occurrence. It is further
alleged that local villagers disclosed the name of petitioner and
others who succeeded in fleeing away from the spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner is not the owner of the three motorcycles in question. It is further submitted that petitioner is not in any way concerned with the alleged recovery. Petitioner is not apprehended on spot. No incriminating article has been recovered from conscious possession of the petitioner and he has no knowledge about the alleged recovery. On account of previous criminal antecedent, he has been falsely implicated in present case. Petitioner bears criminal antecedent of four cases. Learned counsel orally submits that petitioner is on bail in all the cases. It is further submitted that petitioner is in custody since 19.09.2023.

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 Additional District and Session Judge-IV cum Exclusive Special Excise Court-II,



Gopalganj in connection with Vishambharpur P.S. Case No. 70/2023 , 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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