

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78983 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- CHENARI District- Rohtas

Rajendra Bind Son of Bishwanath Bind R/O Village- Deodihi, P.S.- Chenari,
District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Angesh Kumar Ray

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Learned counsel for the petitioner is permitted to
make necessary correction in para 1 of the bail petition during
course of the day.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner seeks bail in connection with
Chenari P.S. Case No. 175/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018/2022.

4. As per prosecution case, there is alleged recovery
of total 50 liters illicit country made liquor from a motorcycle in
question. Apprehended co-accused disclosed the name of the
petitioner who fled away from the place of occurrence.

5. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner is not apprehended on the spot. 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 languishing in custody since 13.08.2023 and bears no criminal antecedent. He further submits that the except disclosure of the co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner was sitting on the said motorcycle, which was being driven by the other co-accused, Amar Yadav and has no knowledge about the alleged recovery made from the said motorcycle. He further submits that the seizure list has not been prepared as per the law.

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

7. Considering the facts and circumstances of the case, period of custody, the petitioner is not apprehended on the spot, 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 Judge, Excise, Court No.1, Rohtas at Sasaram in connection with Chenari P.S. Case No. 175/2023, 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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