

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80911 of 2023

Arising Out of PS. Case No.-758 Year-2023 Thana- Excise P.S. District- Aurangabad

Om Prakash Singh S/O Amit Kumar Singh Resident Of Village- Mubarkpur,
P.S. Husainabad, District- Palamu (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Sadar Aurangabad P.S. Case No. 758/2023(G.R. No. 1356/2023)
registered for the offences punishable under Sections 30(a),
32(1), 32(3), 41(1), 41(2) of the Bihar Prohibition and Excise
Act.

As per prosecution case, 216 litre country made
liquor was recovered from Scorpio vehicle in question.
Petitioner along with other co-accused persons apprehended on
spot.

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. It is



further submitted that petitioner is neither driver nor owner of the seized vehicle in question. Petitioner is merely a passenger of the said vehicle and he has nothing to do with the alleged recovery. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is apprehended on spot merely on suspicion and except suspicion there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 30.09.2023. 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 Special Judge Excise 2nd Aurangabad in connection with Excise Sadar Aurangabad P.S. Case No. 758/2023(G.R. No. 1356/2023) , 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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