

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6457 of 2024

Arising Out of PS. Case No.-486 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

DWARIKA SINGH S/O SRI BHAGWAN SINGH R/O VILLAGE-
BHAGWANPUR, P.S- PAWANA, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Priya

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Udwantnagar P.S. Case No. 486 of 2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 71 litre country made
liquor was recovered from an orchard at village Belaur and
petitioner along with other was apprehended on spot.

4. 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.
Basically, no incriminating article has been recovered from
conscious possession of the petitioner. Petitioner was



apprehended on spot on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Seizure list has not been made as per law. Petitioner is in custody since 25.11.2023. Petitioner bears no criminal antecedent. He further submits that co-accused, Bhukan Rawani, has already been granted bail vide Cr. Misc. No. 4261 of 2024 by this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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 Judge Excise Court No.2 Bhojpur, Ara in connection with Udawantnagar P.S. Case No. 486 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)

vashudha/-

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