

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4834 of 2024

Arising Out of PS. Case No.-657 Year-2023 Thana- BARHARA District- Bhojpur

Ritesh Kumar Son of Shankar Ray Resident of village - Narayan Sarpurwa,
P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Priya

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no. 5 of the bail
petition.

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

The petitioner seeks bail in connection with
Barhara (Krishnagarh) P.S. Case No. 657 of 2023 registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, total 200 litre Mahua
liquor was recovered from tempo vehicle and car in question. It
is further alleged that petitioner along with other was
apprehended from the said tempo vehicle.

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 owner nor driver of any of the seized vehicles and he has no knowledge about the illicit liquor kept in the said vehicles. Petitioner is merely a passenger and he has been apprehended on spot on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been made as per law. Petitioner is in custody since 18.11.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. 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 1st Exclusive Special Excise Court Bhojpur at Ara in connection with Barhara (Krishnagarh) P.S. Case No. 657 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)

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