

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6850 of 2024

Arising Out of PS. Case No.-230 Year-2023 Thana- DHANAHA District- West Champaran

AJAY KUMAR SONOF HARENDRA MAHTO R/O-BAIKUNTHPUR, P.S.-
BAIKUNTHPUR, DISTT.-GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Sangeeta Sharma, A.P.P.

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
Dhanha P.S. Case No. 230 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, 389.850 litre foreign
liquor was recovered from pick-up van in question which was
being driven by co-accused Mantu Kumar and he was
apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is not named in F.I.R. and his name has been
transpired in this case as a second owner of the seized pick-up
van in question, as mentioned in impugned order. He has no



knowledge regarding the alleged liquor that has been kept in said van. Petitioner has nothing to do with the alleged liquor. He is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. Petitioner is not apprehended on the spot. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 01.12.2023 and bears criminal antecedent of two cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been prepared as per law.

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, petitioner is not apprehended on the 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 Special Judge, Excise, Bagaha, West Champaran in connection with



Dhanha P.S. Case No. 230 of 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)

alok/-

U		T	
---	--	---	--

