

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32923 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- ROH District- Nawada

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Saurabh Kumar @ Tan Singh @ Tan SON OF ASHOK SINGH Resident of
Village- Marchoi, P.S.- Satgawan, District- Kodarma (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manmohan Kumar

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Roh P.S. Case No. 323 of 2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per prosecution case, 410 litre beer was
recovered from tractor in question and apprehended co-accused
Gyan Kumar and Deepak Kumar disclosed the name of
petitioner and other who were also involved in the alleged
occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 19.03.2024 and bears criminal
antecedent of five cases in which he is on bail in four cases. He



further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged liquor. He further submits that petitioner is quite innocent and has falsely been implicated in the case on account of criminal antecedent. Petitioner is neither owner nor driver of the vehicle in question. He further submits that there is no compliance of Section 100 of Cr.P.C. He further submits that co-accused Gyan Kumar and Deepak Kumar who were apprehended at the place of occurrence have already been granted bail vide Cr. Misc. No. 76916 of 2023 by this Court and the case of present petitioner stands on better footing as petitioner was not apprehended on the spot.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, 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 Excise Court-2, Nawada in connection with Roh P.S.



Case No. 323 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)

vashudha/-

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