

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48268 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- ARA NAGAR District- Bhojpur

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VISHAL BIND Son of Gorakh Bind Resident of village - Ujiyar Tola, P.S. -
Ara Nagar, Distt. - Bhojpur at Ara

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh

For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ara
Town P.S. Case No. 206 of 2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

3. As per prosecution case, 210 liter country made
chulai mahua liquor was recovered from the tempo in question.
Co-accused Bablu Kumar was said to have apprehended on spot
who disclosed the name of present petitioner and others who
fled away from the spot.

4. Learned counsel for the petitioner through a
supplementary affidavit submits that due to inadvertence it has
been mentioned in paragraph 2 of the bail petition that petitioner



has not moved earlier before this Hon'ble Court either for grant of anticipatory bail or regular bail in this matter, though the petitioner has earlier moved before this Hon'ble Court for grant of anticipatory bail bearing Cr. Misc. No. 32597 of 2023. Therefore, in paragraph no. 2 of the bail petition it may be read as petitioner has earlier moved for anticipatory bail application before this Hon'ble Court through Cr. Misc. No. 32597 of 2023. Learned counsel further submits that petitioner is in custody since 17.05.2023. He orally submits that petitioner bears one criminal antecedent and during pendency of the present case the petitioner has been granted bail in said case. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is neither driver nor owner of the tempo in question. Petitioner is not apprehended on spot. Name of the present petitioner has been transpired in this case on the basis of disclosure of co-accused Bablu Kumar. Except disclosure of the co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been made as per law.



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 as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the petitioner 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 1st, Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 206 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)

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