

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66241 of 2023**

Arising Out of PS. Case No.-104 Year-2018 Thana- ASHOK PAPER MILL District-  
Darbhanga

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GARIB NATH SINGH SON OF RAM SAKAL SINGH RESIDENT OF  
VILLAGE - PIRAUNCHHA, POLICE STATION - GAIGHAT IN THE  
DISTRICT OF MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

4      22-01-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with  
Ashok Paper Mill P.S. Case No. 104 of 2018 registered for the  
offences punishable under Section 30(a) of the Bihar Prohibition  
and Excise Act.

3. As per prosecution case, 30.735 litre foreign  
liquor was recovered from the tempo in question and driver of  
the said tempo fled away by taking advantage of darkness. On  
the basis of document found in the tempo, F.I.R. was lodged  
against the petitioner (owner) and unknown driver of the said  
tempo.

4. Learned counsel for the petitioner submits that



petitioner is the owner of the alleged tempo and he has no knowledge regarding the alleged liquor rather the said tempo has been driven by the driver. No incriminating article has been recovered from the possession of the petitioner. Petitioner 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 in custody since 19.07.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 – I, Excise Act, Darbhanga in connection with Ashok



Paper Mill P.S. Case No. 104 of 2018, 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/-

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