

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74795 of 2023

Arising Out of PS. Case No.-545 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Ajit Gond Son of Late Nandlal Gond Resident of Village - Madnahi, P.S. -
Nandganj, District - Gajipur (UTTAR Pradesh).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Achhaibar Singh

For the Opposite Party/s : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Mohania P.S. Case No. 545/2023 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a) and 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of 162 liters country made liquor from Bolero car in question. The petitioner was alleged to be the driver of the said vehicle and apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 05.08.2023 and bears no criminal antecedent. He further submits that the petitioner is not the owner of the alleged vehicle in question. He is merely a driver of the said vehicle and has no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioner has to follow the instruction of his owner to earn the livelihood. He further submits there is no compliance of Section 100 Cr.P.C. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed 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, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise No.1 cum A.D.J.-VI, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 545/2023, 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)

amitkumar/-

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

