

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66208 of 2023

Arising Out of PS. Case No.-883 Year-2023 Thana- GAYA MUFASIL District- Gaya

Pintu Kumar @ Subodh Kumar Son of Shibu Yadav Village- (KATHODIH)
Kattha Bigha, PS- Fatehpur, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 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
Muffasil P.S. Case No. 883/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, there was alleged
recovery of 139.575 liters foreign liquor from the Tempo in
question and the petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner has nothing to do with the alleged
occurrence and nothing has been recovered from the conscious
possession of the petitioner. The petitioner is languishing in



custody since 21.08.2023. Learned counsel for the petitioner submits through supplementary affidavit the petitioner bears criminal antecedent of one case in which he is on bail. He further submits that the petitioner was neither owner nor driver of the said Tempo in question. He further submits that the petitioner has not concerned with the alleged seized liquor and seizure list has not been prepared as per the law. He orally submits that 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, 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 Additional Sessions Judge cum Exclusive Special Excise Court No.1, Gaya in connection with Muffasil P.S. Case No. 883/2023, 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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