

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78962 of 2023

Arising Out of PS. Case No.-766 Year-2023 Thana- ARA NAGAR District- Bhojpur

ANAND KUMAR Son of Late Jagropan Chauhan R/O Village - Saidpura,
P.O. and P.S.- Mugansaray, District - Chandauli (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Himanshu Ranjan, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ara
Nagar @ Ara Town P.S. Case No. 766 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. As per prosecution case, 216 litre foreign liquor
was recovered from Swift Dezire car in question and petitioner
was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 20.09.2023 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution
evidence. He further submits that petitioner is the bonafide



owner of the said car in question. He further submits that on the basis of relationship, co-accused Pintu has taken away petitioner's car on the pretext of his personal use and the said car has been intercepted and the alleged liquor has been recovered. Petitioner has nothing to do with the alleged occurrence. He 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. There is violation of Section 100 of Cr.P.C.

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 Court Ist Bhojpur, Ara in connection with Ara Nagar @ Ara Town P.S. Case No. 766 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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