

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83704 of 2023

Arising Out of PS. Case No.-1717 Year-2023 Thana- Excise P.S. District- Gaya

PRINCE KUMAR SON OF DEEPAK CHAUDHARY R/O VILLAGE-
KAMRANGANJ, P.S.- DEHRI, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Gaya P.S. Case No. 1717/2023 registered for the offences
punishable under Sections 30(a), 56(b) of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case,108 litre foreign liquor
was recovered from Tata Indica Car in question and petitioner
along with other co-accused persons were apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.
Petitioner is neither owner nor driver of the vehicle in question.
Petitioner is merely a passenger of the said car. It is further



submitted that seizure list has not been made as per law. Basically no incriminating article has been recovered from conscious possession of the petitioner. On similar and identical allegation, co-accused Chandan Kumar has already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 80593 of 2023 and on the principle of parity, petitioner also deserves bail. Petitioner is in custody since 29.09.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused has already been granted bail, 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 Excise Court No. 3, Gaya in connection with Excise Gaya P.S. Case No. 1717/2023, subject to the 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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