

Arising Out of PS. Case No.-758 Year-2023 Thana- Excise P.S. District- Aurangabad

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Yogendra Kumar Singh

For the Opposite Party/s : Mr.Lalan Kumar

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. Except suspicion there is nothing on record to demonstrate the complicity of the present petitioner



with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 30.09.2023 and bears no criminal antecedent. He further submits that the petitioner was neither owner nor driver of the said Scorpio vehicle in question. He further submits that the petitioner was merely passenger of the said vehicle in question. He further submits that the petitioner was neither concerned with the seized liquor nor was concerned with the apprehended co-accused.

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-2nd Aurangabad in connection with Excise (Sadar) Aurangabad P.S. Case No. 758/2023, 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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