

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82594 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

1. ASHUTOSH SINGH S/O AWADHESH SINGH @ AWADESH SINGH R/O VILLAGE- SISAI, P.S- BHORE, DISTT- GOPALGANJ.
2. UPENDRA SINGH S/O BANARAS SINGH R/O VILLAGE- SISAI, P.S- BHORE, DISTT- GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Mohammadpur P.S. Case No. 248 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act ,2018.

3. As per prosecution case, petitioners are said to have apprehended on the spot and three of the co-accused managed to flee away from spot. It is further alleged that from the Tata punch car in question, 156.24 litre foreign liquor was recovered.

4. Learned counsel for the petitioner submits that



petitioner are in custody since 04.11.2023 and petitioner no. 1 bears criminal antecedent of three cases in which he is on bail in all the cases and petitioner no.2 bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner no. 1 is the owner of the seized Tata Punch Car and petitioner no. 2 is neither owner nor driver of the said seized car. He further submits that three of the co-accused who fled away from the place of occurrence might have kept the illicit liquor beneath the bonnet of the seized car and petitioners have no knowledge of the alleged liquor kept in the said car in question. Seizure list has not been made as per law. Petitioner are quite innocent and have committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

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 petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of learned Additional Sessions Judge II-cum-Special Judge,
Excise Court No. 1, Gopalanj in connection with
Mohammadpur P.S. Case No. 248 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)

vashudha/-

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