

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82473 of 2023

Arising Out of PS. Case No.-772 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Omvir Singh Son of Late Balvir Resident of Village- Dargahpur Basauti, Ps-
Shikarpur, Distt- Bulandshahar, (UP).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner seeks bail in connection with Mohania P.S. Case No. 772/2023 registered for the offences punishable under Sections 420, 467, 468, 34 of the Indian Penal Code and Sections 30(a), 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of total 4005 liters illicit liquor from Truck in question and the petitioner was alleged to be driver of the said truck and apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 02.11.2023 and bears no criminal antecedent. He further submits that the petitioner was the owner-cum-driver of the said truck in question. He further submits that the transporter has not clarified that what kind of items is being loaded in the said truck and he has loaded cotton bags for sending it to Darjeeling and from the bottom of cotton bags, illicit liquor was seized. The petitioner has no knowledge about the aforesaid liquor which kept in the said truck. He further submits that the petitioner has no concern with the seized liquor. He further submits that the 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, 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 No.1 cum A.D.J.-IV, Kaimur at Bhabua in connection with Mohania P.S. Case No. 772/2023, 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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