

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.730 of 2024

Arising Out of PS. Case No.-378 Year-2023 Thana- PAHARPUR District- East Champaran

DEEPAK SINGH SON OF LATE VIKRAM SINGH RESIDENT OF
VILLAGE - BISHAMBHARA, POLICE STATION - MAJHAULIYA,
DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Paharpur P.S. Case No. 378 of 2023 registered for the offences
punishable under Section 414 of the IPC and Section 30(a) of
Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, total 61.2 litre illicit liquor
was recovered from the motorcycle in question and petitioner
was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He further submits that petitioner is not
owner of the motorcycle in question. Petitioner has been



apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 17.09.2023 and bears criminal antecedent of one case in which he is on bail. Petitioner has nothing to do with the alleged recovery of liquor. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been made as per law.

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, 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 Judge, Excise Court No. 1, Motihari, East Champaran in connection with Paharpur P.S. Case No. 378 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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