

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4351 of 2024

Arising Out of PS. Case No.-544 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Ashok Rai S/o Hari Rai @Harilal Rai Resident of Village-Gadariya,P.S.-
Raghunathpur(O.P),District-East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Turkauliya P.S. Case No. 544 of 2021 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, 261 litre spirit was
recovered from the house of co-accused Sanjay Sahani and he
was apprehended on spot. It is further alleged that co-accused
Sanjay Sahani disclosed the name of petitioner and others who
succeeded in fleeing away from place of occurrence.

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. It is further submitted that petitioner was not apprehended on spot and his name has transpired in this present case on account of confessional statement of co-accused Sanjay Sahani. Except confessional statement, there is nothing on record to connect the present petitioner with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 08.04.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of two cases in which he is on bail.

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, petitioner was not apprehended on spot, 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 Excise Judge-1, Motihari, East Champaran in connection with



Turkauliya P.S. Case No. 544 of 2021, 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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