

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4821 of 2024

Arising Out of PS. Case No.-283 Year-2023 Thana- BAIRIYA District- West Champaran

Raja Patel S/O Late Radhe Shyam Patel Village- Kotwali Chowk, Siwala
Ghat, Ps. Bettiah Nagar, Dist. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bairiya P.S. Case No. 289 of 2023 registered for the offences
punishable under Section 414 of Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 87.825 litre illicit liquor
was recovered from motorcycle in question and co-accused
Rohan Kumar was apprehended on spot. It is further submitted
that co-accused Rohan Kumar disclosed the name of petitioner
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 is not the owner of the seized motorcycle and he has no knowledge about the illicit liquor recovered from the said motorcycle. Petitioner was not apprehended on spot and his name has surfaced in this case on account of disclosure of co-accused Rohan Kumar. Except disclosure, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 23.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

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, keeping in view clean antecedent of the petitioner, 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 Judge, Excise-I, Bettiah, West Champaran in connection with



Bairiya P.S. Case No. 289 of 2023, 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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