

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3374 of 2024

Arising Out of PS. Case No.-313 Year-2023 Thana- SHIVSAGAR District- Rohtas

Himalay Kumar Son of Ayodhya Chaudhary @ Ayodhya Pasi R/o vill -
Kadirganj, P.S. - Darigawan, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Ms.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Shivsagar P.S. Case No. 313 of 2023 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018/2022.

3. As per prosecution case, altogether 60 litre country
made liquor was recovered from two motorcycles in question
and petitioner along with other 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 any of the seized motorcycles in question. Petitioner
has been apprehended on the spot merely on the basis of



suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery of liquor. Petitioner is in custody since 31.07.2023 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no compliance of Section 100 of the Cr.P.C.

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 Excise Court No. 2-cum- Additional Sessions Judge, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 313 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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