

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16318 of 2019

Arising Out of PS. Case No.-187 Year-2018 Thana- KHANPURA District- Samastipur

BIPIN KUMAR @ VIPEEN, aged about 25 years, Male, S/o Ramashish Singh, Resident of Village- Madhu Tole, P.S.- Khanpur, District- Samastipur
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Singh, Adv.
For the Opposite Party : Mr. Arun Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 21.01.2019 in connection with Khanpur P.S. Case No. 187 of 2018 for the offences alleged under Sections 47, 30(a), 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that the petitioner and some other persons are carrying trade of illicit liquor, the police reached the house of co-accused, Ravindra Kumar, and found a Mahendra pick-up van parked outside his house and saw two persons fleeing away from the said pick-up van. On search from the vehicle 375 liters of Indian made foreign liquor was recovered. Owner book of the pick-up van was recovered in the name of co-accused, Ravindra Kumar, from the



driving seat. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the petitioner was not apprehended on the spot, nothing was recovered from his conscious possession and his name dropped by the Chowkidar of the area has no evidentiary value in the eye of law. Petitioner, further, undertakes to cooperate in the investigation and not to tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the materials 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 in connection with Khanpur P.S. Case No. 187 of 2018 to the satisfaction of the learned Additional Sessions Judge III-cum-Special Judge, Excise Act, Samastipur, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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