

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25644 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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PAPPU SAH @ VINOD KUMAR Son of Janak Sah Resident of Village -
Prahladpur, P.S.- Mushahari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Adv Mr.Prabhat Kumar Singh, Adv Ms.Preety Kunwar, Adv
For the Opposite Party/s :		Mr.Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 11.12.2020 seeks
regular bail in connection with Bela P.S. Case No. 31 of 2020
dated 24.08.2020 registered for offences punishable under
Sections 272, 273, 414, 120(B) of the Indian Penal Code and
Section 30(A)/38(1)/41(1) of the Bihar Prohibition and Excise
Act.

Prosecution case in brief is that upon search total
4273.20 litres of illicit liquor was recovered from the different
vehicles as mentioned in the FIR. The name of the petitioner



was taken on the basis of confessional statement of one co-accused namely, Sanjeet Kumar, who was apprehended on the spot.

Learned Senior Counsel, Shri N.K. Agrawal, appearing on behalf of the petitioner submits that no incriminating article has been recovered from the conscious possession of the petitioner. He has simply been roped in the present case because he has been implicated in similar nature of cases before the present case. He further submits that the vehicles which have been mentioned in the FIR also do not belong to the petitioner. He further submits that petitioner is in custody since 11.12.2020 and as such he may be released on bail.

Learned A.P.P., however, opposes the prayer for bail.

Having heard the learned counsel on behalf of the parties and taking into consideration the facts of the case that the petitioner has no concern with the seized vehicles, the Court below is directed to verify the antecedent of the petitioner in view of the specific statement made in paragraph no.3 to the petition as to whether any serious case is pending against the petitioner or not, let the petitioner above named, be released on bail upon furnishing bond of Rs. 5,00,000/- along with bail bond



of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Bela P.S. Case No. 31 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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