

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24670 of 2021**

Arising Out of PS. Case No.-367 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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PAPPU SAH @ VINOD KUMAR S/o Janak Sah R/o village- Prahladpur,
P.S.- Mushahari, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : N.K. Agrawal, Sr. Advocate.

Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned

A.P.P for the State.

The petitioner seeks bail in Town P.S. Case No. 367 of

2020, registered for the offence punishable punishable under

Sections 414/34 and section 30(a) of the Bihar Prohibition and

Excise Act, 2016.

475.170 litres of foreign liquor has been recovered

from Scorpio vehicle and co-accused Dipak Kumar being driver

was apprehended by the police who disclosed that petitioner and

other co-accused who were sitting in another Scorpio vehicle

fled away after seeing the police party.



It is submitted that no recovery has been made from conscious possession of this petitioner and he was not apprehended on the spot. Petitioner was neither driver nor owner of the vehicle in question and has got no concern with the seized liquor and he has been made accused in this case only on the basis of confessional statement of co-accused Dipak Kumar. Petitioner is in custody since 27.11.2020.

Considering the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in connection with Town P.S. Case No. 367 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers 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.

(Prabhat Kumar Singh, J)

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