

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2750 of 2021

Arising Out of PS. Case No.-202 Year-2019 Thana- BIBHUTIPUR District- Samastipur

BRAJESH KUMAR @ BRAJESH KUMAR SINGH, S/o Purshottam Singh,
R/o Village- Sakhmohan, P.S.-Vibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-03-2021 Heard both parties.

The petitioner seeks bail in Vibhutipur P.S. Case No. 202/2019, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code as well as Section 30 (a) of the Bihar Prohibition & Excise Act, 2016.

As per prosecution case, 4000 litres of Indian Made foreign liquor has been recovered from a truck while in the process of unloading. Petitioner and other accused persons are alleged to have managed to flee away from the spot.

It has been submitted on behalf of the petitioner that nothing has been recovered from possession of the petitioner. He has been made accused only on the basis of suspicion. Similarly situated co-accused persons have already been granted anticipatory bail by co-ordinate Benches of this Court vide orders dated 19.12.2019 passed in Cr. Misc. No. 84656/2019,



dated 16.12.2019 passed in Cr. Misc. No. 74308/2019 and dated 16.01.2020 passed in Cr. Misc. No. 2260/2020. Petitioner has neither concern with the aforesaid vehicle nor with the recovered liquor. Recovery has been made from the road side. Petitioner was not arrested on the spot. Charge-sheet has already been submitted. Petitioner is in custody since 16.09.2020.

Considering the fact that recovery of illicit liquor has not been made from possession of the petitioner rather the same has been recovered from the road side and petitioner was not arrested on the spot, 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 learned ADJ IInd-cum-Special Judge, Excise, Samastipur, subject to the 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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