

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4354 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- NARPATGANJ District- Araria

KAWALJEET SINGH SON OF CHARAN SINGH R/O- CHAMBAKHURD,
P.S.- SARHALI, DISTRICT- TARANTARAN (PUNJAB)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Narpatganj P.S. Case No. 440 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 4383.360 litre English wine of different brand from the truck in question. Petitioner is driver of the said truck and he was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 23.10.2021 and bears no criminal



antecedent. Seizure list has not been made as per law thereby violating the statutory provision of Section 100 of the Cr.P.C. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Petitioner is falsely implicated in the present case due to dirty local politics and ulterior motive of the informant. Petitioner has no concern with the alleged liquor in question.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner 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 2nd Additional Sessions Judge cum Special Judge (Excise), Araria in connection with Narpatganj P.S. Case No. 440 of 2021 , subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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