

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5834 of 2022

Arising Out of PS. Case No.-75 Year-2019 Thana- MUSRIGHRARI District- Samastipur

Vishwajeet Singh Son of Late Vijay Singh Resident of Village - Chapta, P.S. -
Tisiouta (Patepur), District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Baljit Singh, Advocate.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-06-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard leaned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Sections 272, 273 of the Indian Pe-
nal Code and Section 30(a) of the Bihar Prohibition and Excise
Act.

Allegedly, 576 liters foreign liquor kept in several
bottles was recovered from a cloth shop of co-accused and from
a bolero vehicle.

The main submissions advanced by learned counsel
for the petitioner are that this petitioner is not named in the FIR
and his name sarfaced during the course of investigation in the



statement of co-accused and according to the owner of the alleged vehicle, the vehicle from which the recovery of alleged wine was sold to this petitioner but the said fact is completely wrong and the said vehicle was not handed over to the petitioner. Further submission is that co-accused Md. Fool Hasan which is stated to be a main accused has been granted regular bail by this Court vide order passed in Cr. Misc. no. 80303 of 2019 and petitioner has no criminal antecedent and he is in custody since 18.08.2021.

Learned APP has opposes the prayer for bail.

Having considered the above submissions as well as petitioner custody period and mainly the fact that similar situated co-accused has been granted bail by this Court passed in above mentioned Cr. Misc. and as per paragraph no. 3 of this petition this petitioner has no criminal antecedent in the light of this fact a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Musrigharari P.S. case No. 75 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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