

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10300 of 2022**

Arising Out of PS. Case No.-928 Year-2021 Thana- NAGAR District- Vaishali

Vikash Singh @ Hera Singh Son of Sashi Bhushan Singh Resident of Village
- Chiknauta, P.s.- Town Hajipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan, Advocate.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 24-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State through video conferencing.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

Allegedly 49.125 liters foreign liquor was recovered
from different vehicles parked in the premises of the petitioner's
house and some quantity of the alleged wine was recovered
from beneath of Dewan (bed) lying in the petitioner's house.

The main submissions advanced by learned counsel
for the petitioner are that petitioner's wife, mother and other
relatives have been made accused in this case in whom some co-



accused have been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. 3741 of 2022 and 3889 of 2022 and there is criminal antecedent of two cases against the petitioner in which one mainly relates to 138 N.I. Act and the second case relates to Excise Act in which the petitioner was remanded after he had been arrested in the present case.

Learned APP has opposed the prayer for bail.

In view of the above submissions and considering petitioner's custody period and also the fact that the charge-sheet has been submitted and the petitioner's case is at initial stage of trial and two co-accused persons have been granted bail by a co-ordinate bench of this court and the alleged recovery place of wine is stated to be the house of this petitioner from where not only the petitioner but as his family members also were arrested in whom two co-accused persons are enjoying privilege of bail as submitted, in my view a lenient approach can be taken in respect of the 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 Hajipur Town P.S. case No. 928 of 2021 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 absence on two consecutive dates without sufficient reason, his 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 other than two cases mentioned in this petition 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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