

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11822 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- BARGAINIA District- Sitamarhi

1. PAPPU SINGH @ PAPPU KUMAR SINGH Son of Mohan Singh R/o Village- Dinarwana, P.S.- Birganina, Ditriect- Sitamarhi.
2. Raushan Singh @ Raushan Kumar Son of Ravindra Singh @ Rajendra Singh R/o Village- Dumarwana, P.S.- Birganina, Ditriect- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-07-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Bairganina P.S. Case No. 36 of 2021 registered for the offences punishable under Sections 30(a) of Bihar Prohibition & Excise Act.

As per prosecution case, there is alleged recovery of 321.300 Litre of of illicit liquor from bamboo clumps and the name of petitioners has been disclosed by co-accused Rambalak Paswan who has been apprehended on spot. It is alleged that the



petitioner used to bring the illicit wine from Nepal for the said purpose

Learned counsel for the petitioners submits that petitioners are in custody since 04.01.2022. Petitioner No. 2 bears no criminal antecedent, however, petitioner no. 1 bears one criminal antecedent of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. Learned counsel further submits that the petitioners are not apprehended on the spot. There is no recovery from the conscious possession of the petitioners. Petitioners have no concern with the place from where recovery has been made.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted, the petitioners are not apprehended on spot and also taking into consideration the material available on record, so far as the counsel for the petitioner submitted in para 3 of his bail petition that petitioner no. 2 bears clean antecedent, let the petitioner no. 2 above named be released on bail, however, petitioner no. 1 bears criminal antecedent of 1 case of similar



nature, so petitioner no. 1 shall be released on bail after framing of charge, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court I, Sitamarhi in connection with Bairgania P.S. Case No. 36 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners 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 petitioners tamper 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)

amitkr/-

U			
---	--	--	--

