

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14768 of 2022

Arising Out of PS. Case No.-212 Year-2018 Thana- NAWANAGAR District- Buxar

Vishwajeet Kumar, Son of Birendra Singh, R/O Village- Usari, P.S.- Dawath,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Anil Kumar Singh, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Nawanagar P.S. Case No. 212 of 2018 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police having received information about the transportation of liquor, intercepted a truck and on search being made total 3556 litres of illicit foreign liquor was recovered. It is further alleged that the



driver of the truck was disclosed that the consignment was to be delivered to Santosh Yadav, Ashok Yadav and Pappu Yadav.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating article has been recovered. It is next submitted that the name of the petitioner has transpired on the confessional statement of co-accused Pappu Singh Yadav @ Narendra Kumar and save and except the confessional statement, there is no other material against the petitioner. It is further submitted that the co-accused Pappu Singh Yadav @ Narendra Kumar, has already been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 3865 of 2019 vide order dated 25.01.2019 and further co-accused, Santosh Yadav and Ashok Yadav, have also been granted anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 5512 of 2019 vide order dated 31.01.2019, the copies of which have been annexed as Annexures- 2 and 3 to this petition. It is lastly submitted that this petitioner is in custody since 10.02.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner



has transpired during the course of investigation.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of petitioner has transpired on the confessional statement of co-accused and save and except the confessional statement, there is no other material, apart from the fact that other co-accused persons, who were apprehended at the spot, have been granted bail by the learned coordinate Benches of this Court and the petitioner is in custody since 10.02.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted and, as such, keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Buxar in connection with Nawanagar P.S. Case No. 212 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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