

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15174 of 2022

Arising Out of PS. Case No.-279 Year-2021 Thana- BHORE District- Gopalganj

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Basant Kumar Singh Son Of Rajesh Singh Resident Of Vill- Rampur Kala,
P.S- Phulwariya, Dist- Gopalganj.

... .. Petitioner/S

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defects(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 by virtual mode.

The petitioner seeks bail in connection with Bhore
P.S. Case No.279 of 2021 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
535.800 litre country made liquor from the vehicle in question.
It is alleged that seeing the police team petitioner fled away
from there.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.12.2021 and bears criminal



history of eight cases in which seven cases are of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner is neither owner nor driver of the vehicle in question. Petitioner is not apprehended on the spot. Petitioner has been falsely implicated in this case only on the basis of suspicion.

Learned A.P.P for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge-sheet has been submitted in the case and there is no likelihood of tampering the evidence, petitioner is not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum Special Judge, Excise Court No.1, Gopalganj in connection with Bhore P.S. Case No. 279 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) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, 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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