

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16407 of 2022

Arising Out of PS. Case No.-473 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

VINAY KUMAR S/o Panna Lal Resident of Village- Sonai, P.S.- Firozabad
North, District- Firozabad (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 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 petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Samastipur (Muffasil) P.S. Case No. 473 of 2021, Excise G.R.
No. 1234 of 2021 registered for the offences punishable under
Sections 467, 468, 471, 420, 120(B) of the Indian Penal Code
read with Section 30(a), 41(i), (ii) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, on information, the
informant with other officials reached near the place of
occurrence where one person was standing near a truck. After



seeing the informant the person started to flee away but he was apprehended. On inquiry he disclosed his name as Vinay Kumar (petitioner) as the driver of the truck in question and total 5413.320 litres of foreign liquor was recovered from the truck.

Learned counsel for the petitioner submits that petitioner is in custody since 22.11.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is the driver of said truck, however, he is unaware that what is loaded inside the truck.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view the clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-Judge, Excise



Court-1, Samastipur in connection with Samastipur (Muffasil)
P.S. Case No. 473 of 2021, Excise G.R. No. 1234 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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