

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18122 of 2022**

Arising Out of PS. Case No.-30 Year-2021 Thana- SAMHO District- Begusarai

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Bipin Singh @ Bipin Kumar @ Dhipla Son of Bindeshwari Singh R/O
Village- Shamho Totha, P.S.- Shamho, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Jai Narain Thakur

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**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 Shamho
P.S. Case No. 30/2021 registered for the offences punishable
under Sections 272, 273, 120B of the Indian Penal Code and
Sections 30(a) (g), 41(1) of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery of
total 513 liters illegal liquor from Maize field. The petitioner
was not apprehended from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner was not apprehended on the spot and on secret information, the petitioner was made accused in this case. The petitioner has no concern with maize field and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 07.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, petitioner was not apprehended on the spot, charge sheet has already been submitted and keeping in view clean antecedent of petitioner 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 Additional District Judge-II cum Special Judge, Excise Act, Begusarai in connection with Shamho P.S. Case No. 30/2021, 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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