

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18688 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Bittu Kumar Singh @ Bittu Singh Son of Late Ram Lagan Singh R/O Village-
Tekanpura, P.S.- Nowkothi, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Excise
Case No. 79C2 of 2021 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 207.360 litre foreign liquor from pick-up van in question.

Learned counsel for the petitioner submits that
petitioner has not been named in the FIR and the name of the
petitioner is transpired during investigation as alleged owner of
seized pick-up van bearing Registration No. BR09M-0472.
Petitioner is in custody since 07.02.2022 and bears criminal



antecedent of two cases of similar nature out of which in one case he has been granted bail. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no recovery of liquor from physical possession of the petitioner and the said pick-up van does not belong to him as he has sold the same to the one Nandan Tanti for Rs. Two lacs. on 01.06.2019 as mentioned in Annexure-2. The name of the petitioner has been falsely implicated in this case.

The 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, prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on the spot and 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 Special Judge Excise Court -2 Begusarai, in connection with Excise Case No. 79C2 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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