

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21097 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- AMAS District- Gaya

Vijay Singh Son Of Tapeswar Singh R/O Village- Sonbarsa, P.S.- Navi
Nagar, District- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Amas P.S. Case No. 209 of 2021 registered for the alleged offences under Sections 30(a), 33 and 41 of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, 4000 liters of spirit was recovered from the truck which was being driven by the co-accused Shatrughan Ray. The co-accused disclosed the name of the petitioner along with other co-accused persons stating that they were involved in the business of illicit liquor.

Learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner has been named by the co-accused before the police. The petitioner has no concern with the recovered spirit and he is not the owner of the truck. He has no concern with the other co-accused persons. Learned counsel for the petitioner further submits that in another case i.e. Muffasil P.S. Case No. 373 of 2021, the petitioner was made accused in the same circumstance and the co-accused Shatrughan Ray disclosed the name of the petitioner due to enmity and personal grudge. The learned counsel further submits that no offence under any of the provisions of the Excise Act is made out against the petitioner. The co-accused Shatrughan Ray who named the petitioner has been granted bail by this court vide order dated 24.06.2022 passed in Cr. Misc. No. 6997 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 28.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that nothing incriminating has been recovered from the petitioner and further considering the submission of charge sheet as well as the period of custody of the

petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No. 2, Gaya in connection with Amas P.S. Case No. 209 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

