

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21639 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- VAISHALI District- Vaishali

Deelip Singh Son of Amir Singh Resident Of Village - Karneji, P.S.- Vaishali
(belsar O.P.), Distt.- Vaishali.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-07-2022 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
Vaishali (Balsar O.P.) P.S. Case No. 155 of 2021 registered for
the offences punishable under Sections 272, 273, 414 of the
Indian Penal Code and Sections 30(a), 41(i) of the Bihar Excise
Amendment Act, 2016.

As per prosecution case, there is alleged recovery
of 459.18 litre foreign liquor from three different vehicles in
question. Petitioner along with other co-accused fled away from
the spot. Co-accused Viru Kumar has disclosed the name of the
petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 08.12.2021 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. It has been submitted that petitioner is innocent and he has been falsely implicated in this case only on the basis of confessional statement of co-accused Biru Kumar.

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, charge sheet 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 Excise Court



No. 2 Vaishali at Hajipur in connection with Vaishali (Balsar O.P.) P.S. Case No. 155 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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