

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22954 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

BITTU KUMAR @ BITTU SINGH Son of Munna Singh @ Rajeev Kumar
Choudhary Resident of Village - Harrakh Near Alka Cinema Hall Eastern
Kapasiya Chowk, P.S.- Begusarai town, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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 through virtual mode.

The petitioner seeks bail in connection with Begusarai
Town P.S. Case No. 74/2022 registered for the offences
punishable under Sections 120(B)/201 of the Indian Penal Code
and Section 30(a)/ 32(2) of the Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, there is alleged recovery of
total 931.77 liters foreign liquor from Tata 407 vehicle in
question and one motorcycle in question. Petitioner was not
apprehended on the spot and apprehended co-accused, Aman



Kumar and Md. Danish disclosed the name of the petitioner and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that the name of the petitioner sprang up in this case on the basis of confessional statement of co-accused, Aman Kumar and Md. Danish. The petitioner has neither concerned with the alleged seized liquor nor alleged seized vehicles in question. Seizure list has not been made as per law. The petitioner is languishing in custody since 05.03.2022 and bears criminal antecedent of two cases of similar nature. 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, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner



above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai, in connection with Begusarai Town P.S. Case No. 74/2022, 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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