

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22598 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- UCHKAGAON District- Gopalganj

BASANT SINGH Son of Rajesh Singh Resident of Village - Rampur Kala,
P.S.- Phulwariya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Adv.
	:	Mr.Vyas Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Uchkagaon P.S. Case No. 227/2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of total 439.560 liters English wine besides other articles from the house of co-accused persons and different places. Accusation against the petitioner is that he uses to bring wine from Uttar Pradesh and supply it in retail. The petitioner and others fled away from the place of occurrence and local Chaukidar identified the persons who fled away as petitioner and others.



Learned senior counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to criminal antecedent. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has been sprang up in this case on the basis of disclosure of the local Chaukidar. He further submits that the petitioner has no concern with the seized liquor. The petitioner is languishing in custody since 04.02.2022 and bears criminal antecedent of eight cases in which seven cases are of similar nature and he is on bail in all cases. 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 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II



cum Special Judge, Excise Court No.-1, Gopalganj in connection with Uchkagaon P.S. Case No. 227/2021, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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