

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24180 of 2022

Arising Out of PS. Case No.-407 Year-2018 Thana- MASHRAK District- Saran

=====

BRIJ SINGH @ BRIJKISHOR SINGH Son of Late Kailash Singh Resident
of Village - Mashrakh Barahiya Tola, P.s.- Mashrakh, Distt.- Saran, at Present
resident of Dighwa Dubauli, P.S.- Baikunthpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Sharda Kumari

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-08-2022 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

Mashrakh P.S. Case No. 407 of 2018 registered for the offences

punishable under Sections 420, 188, 272, 273 of the Indian

Penal Code read with Section 30, 30(a), 41 of the Bihar

Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery

of 2212.92 litres English wine from the truck in question.

Accusation against the petitioner is that the alleged recovered

wine belongs to the petitioner and others.



Learned counsel for the petitioner submits that petitioner is in custody since 22.03.2022. Petitioner bears three criminal antecedent of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. Name of present petitioner has been disclosed by apprehended co-accused persons. Petitioner has been dragged in the case only he has got criminal antecedent. Learned counsel further submits that co-accused Raj Kumar and Rajkumar Singh, who were apprehended on spot, have already been granted bail vide Cr. Misc. No. 7197 of 2019 and Cr. Misc. No. 7743 of 2019 respectively by a co-ordinate bench of this court as mentioned in Annexure – 3 of bail petition and the case of present petitioner stands on better footing.

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 is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-



accused persons who have apprehended on spot has already been granted bail, 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 Exclusive Special Excise Court – 2, Saran in connection with Mashrakh P.S. Case No. 407 of 2018, 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)

amitkr/-

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

