

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24512 of 2022**

Arising Out of PS. Case No.-213 Year-2019 Thana- NAWANAGAR District- Buxar

Vimlesh Kumar Son of Siddhnath Singh Resident of Village- Parmeshwarpur,
P.s.- Dawat, District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate
For the Opposite Party/s : Mr. Nitya Nand APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 22-07-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Nawa Nagar P.S.Case No. 213 of 2019 for the offences
punishable under Sections 30(a) and 41(1) of the Bihar
Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that on
information having been received raid was conducted. On being
searched altogether 7413.820 liters liquor was recovered from a
truck and accused persons managed to escape. On inquiry, it
transpired that a group consisting of 12 accused persons were



involved in trade of illicit liquor.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incriminating article was recovered from conscious or constructive possession of the petitioner. It is next submitted that the name of the petitioner has been transpired merely on suspicion, though he is in custody since 31.03.2022 having no criminal antecedent. It is further submitted that co-accused persons having identical allegation namely, Sanpar Yadav@ Ramesh Singh has been granted bail in Cr. Misc. No. 45006 of 2021 vide order dated 31.03.2022 and further accused Pappu Yadav@ Kamlesh Yadav has been granted bail in Cr. Misc. No. 64691 of 2021 vide order dated 08.07.2022 and moreover, investigation has already been concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that other co-accused persons having similar allegation have already been granted bail by co-ordinate Bench of this Court and moreover, petitioner was neither apprehended on the spot nor any incriminating article



has been recovered from conscious and constructive possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court, Buxar in connection with Nawa Nagar P.S.Case No. 213 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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