

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26058 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

VISHWA SINGH @ VISHWAMOHAN SINGH @ BISHAMOHAN SINGH
@ VYAS SINGH @ MOCHU Son of Ganesh Singh Resident of Village -
Banauta, P.s.- Dariyapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-09-2022 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 Industrial
Area P.S. Case No. 83/2021 registered for the offences
punishable under Sections 272, 273, 420, 120(B) of the Indian
Penal Code and Sections 30(a), 33, 36, 41(i) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 5717 liters raw spirit from truck in question. Apprehended
co-accused, Anish Kumar disclosed the name of petitioner and
other who were involved in the alleged supply of illicit spirit.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Except confessional statement of co-accused, Anish Kumar Vidarthi nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner has neither concerned with the said truck nor concerned with the seized spirit. The petitioner is languishing in custody since 27.01.2022 and bears criminal antecedent of one case of similar nature in which he is on bail. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused, Anish Kumar Vidarthi @ Pappu who was apprehended on the spot, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.53493/2021 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposed 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 bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1 cum Additional Sessions Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 83/2021, 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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