

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27219 of 2022**

Arising Out of PS. Case No.-5 Year-2022 Thana- FATEHPUR District- Kishanganj

SACHIN KUMAR SINGH S/o Hari Prasad Singh Ward No. 8, Resident of
Village- Beriya, P.S.- Fatehpur, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 05-08-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Special Case No. 237 of 2022 arising out of Fatehpur P.S. Case
No. 05 of 2022 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 207 litres illicit Nepali liquor from the cycle in question. The
petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.03.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has no concern with the recovered liquor and has falsely been implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail 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), Kishanganj in connection with Special Case No. 237 of 2022 arising out of Fatehpur P.S. Case No. 05 of 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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