

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27264 of 2022

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

VIJAY SINGH Son of Tapeswar Singh Resident of village - Sonebarsha,
P.S.- Navinagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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 of 2021 registered for the
offences punishable under Sections 272, 273, 420, 120(B) of the
I.P.C. read with Sections 30(a), 33, 36, 41(1) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 5712 litres Spirit from the truck in question. Petitioner is
alleged to be kingpin of clandestine arrival of spirit in the State
of Bihar and it was the petitioner who managed the entire
episode.



Learned counsel for the petitioner submits that petitioner is in custody since 11.03.2022. Petitioner bears one 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 there is general and omnibus allegation against the petitioner and no specific allegation has been alleged against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. Name of the present petitioner has transpired on the basis of business rivalry in this case.

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 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 Special Excise Court No. 1-cum-



Additional Sessions Judge, Vaishali, Hajipur in connection with
Industrial Area P.S. Case No. 83 of 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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