

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28033 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- GAYA MUFASIL District- Gaya

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mufassil P.S. Case No. 373 of 2021, registered for the alleged offences under Sections 420, 467, 468, 471 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, 6000 litres of spirit was recovered from a truck and the co-accused driver was arrested from the spot, who named this petitioner as one of the liners who used to help them in case any problem arose while



transporting the spirit to its destination.

The learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case only to harass him. Nothing incriminating has been recovered from his conscious possession. The petitioner is neither the owner of the truck nor he has anything to do with the seized spirit. Except for the allegation that he has been doing the work of liner in the whole business, nothing came up against this petitioner. The co-accused driver, who has named this petitioner and was arrested from the spot, has been granted bail by a Coordinate Bench of this Court vide order dated 08.06.2022 passed in Cr. Misc. No. 69450 of 2021. The charge sheet has been submitted in this case and the petitioner is in custody since 26.02.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that a huge quantity of spirit has been recovered which could have been used for making illicit liquor and the petitioner used to work as liner in the whole business.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge sheet and the period of custody of the



petitioner, who has got clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.1, Gaya, in connection with Muffasil P.S. Case No. 373 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be Sonu Kumar Singh, the brother of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

