

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28314 of 2022**

Arising Out of PS. Case No.-263 Year-2021 Thana- KHARIK District- Bhagalpur

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Bipin Kumar Singh, Son of Late Kamta Prasad Singh, Resident of- Flat No. C-301 Baijnath Residency, Kusum Bihar, P.S.- Bariyatu, Distt.- Ranchi Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shailendra Kumar Sinha, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kharik P.S. Case No. 263 of 2021 registered for the offences punishable under Sections 30 (a), 36, 41 (a) of Bihar Prohibition & Excise Act, 2016.

As per prosecution case, it is alleged that the police on a secret information that some persons are carrying illicit liquor through truck and Brezza car, intercepted vehicles and on search being made total 2646 litres of illicit liquor has been recovered from the truck and 15.75 litres of illicit liquor was recovered



from the Breza car.

It is submitted by the learned counsel for the petitioner that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession. It is further submitted that the petitioner being the registered owner of the Breza car has been implicated in this case, though it is submitted that this petitioner, on the request of the co-accused has given his Breza car for the medical treatment of his pregnant wife and the said co-accused person by misusing the same has used the car for transportation of some illicit liquor and for that the petitioner had neither any knowledge nor consent. It is next submitted that other co-accused person has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 20683 of 2022 vide order dated 13.06.2022 and moreover this petitioner is in custody since 03.04.2022 having a man of fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and further save and except the fact that the petitioner being the owner of the car



and the said car has been given to his friend for treatment of his pregnant wife, there is no other material, which suggests the complicity of this petitioner and he is in custody since 03.04.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the Special Excise Judge I, Bhagalpur in connection with Kharik P.S. Case No. 263 of 2021 subject to the condition that one of the bailors will be the local residents 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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