

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30963 of 2022

Arising Out of PS. Case No.-528 Year-2021 Thana- BANKA District- Banka

ANIL SINGH @ ANIL KUMAR SINGH SON OF LATE JANAKDEO
SINGH R/O- PLOT NO.- 162, COOPERATIVE COLONY, BOKARO
STEEL CITY, P.S.- BOKARO STEEL CITY, DISTRICT- BOKARO
(JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Kanhaiya Kishore App,100

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.

The petitioner seeks bail in connection with Banka
(Barahat) P.S. Case No. 528 of 2021 registered for the offences
punishable under Sections 30(a), 32(2) of the Bihar Prohibition
and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 2803.08 litres of foreign liquor from the truck in question.
Allegation against petitioner, is of manufacturing, bottling and
transporting the illicit liquor namely Shree Om Bottlers &
Blenders Pvt. Ltd.



Learned counsel for the petitioner submits that petitioner is in custody since 23.03.2022. Petitioner bears criminal antecedent of eight cases in which six cases are 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 petitioner is not named in the F.I.R. nor has he apprehended on spot. Only due to being one of the members of the Board of Directors in a firm the petitioner has been roped in the present case though he had already resigned from the said firm on 01.04.2021 and the present F.I.R. has been lodged on 07.04.2021. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered liquor. Petitioner is not the owner of the truck in question nor is he the driver of the said truck.

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 named in the F.I.R. 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 Twnty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II, Banka in connection with Banka (Barkahat) P.S. Case No. 528 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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