

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29855 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

ANIL SINGH @ ANIL KUMAR SINGH SON OF LATE JANAKDEO
SINGH RESIDENT OF PLOT NO 162 COOPERATIVE COLONY
BOKARO STEEL CITY , DIST- BOKARO (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Nand Kumar, 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
Malaypur P.S. Case No. 57 of 2021 registered for the offences
punishable under Sections 272, 273/34 of the I.P.C. and Sections
30(a), 36/41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 2160 litres illicit foreign liquor from the truck in question.

Learned counsel for the petitioner submits the
petitioner is not named in the FIR. It is further submitted that
the name of the petitioner surfaced on the basis of confessional



statement of the co-accused, namely, Vikas Kumar. The petitioner is in custody since 11.04.2021 and bears criminal antecedent of eight cases in which six is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the nothing recovered from the conscious possession of the petitioner.

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, the petitioner was not apprehended on the spot, 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, **after framing of charge** 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 Judge-II-cum-Special Judge Excise I, Jamui in connection with Malaypur P.S. Case No. 57 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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