

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42156 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- TISIAUTA District- Vaishali

ABHAY KUMAR @ BHOLA S/O SHRI DEEPAK KUMAR SINGH R/O
VILLAGE-CHAMTHA CHOUR KHUTT, P.S-BACHWARA, DISTRICT-
BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar

For the Opposite Party/s : Mr.Ajay Kumar No.2

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 02.03.2021,
seeks bail in connection with Tisiauta P.S. Case No. 25 of 2021 ,
for the offence punishable under Section 272, 273 and 34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that altogether
106.53 litres of Indian Made Foreign Liquor was recovered from
the vehicle bearing registration No. BR1U-2728. The seizure-
list was prepared in presence of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that petitioner has got clean antecedent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the physical possession of the petitioner. He further submits that petitioner is not the owner of the aforesaid vehicle from which the alleged liquor is said to be recovered. He further submits that similarly situated co-accused Shashi Kumar @ Shashi Kumar Singh has already been released on bail by this Court on 05.01.2022 passed in Criminal Miscellaneous No. 39756 of 2021.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of illicit liquor has been recovered and as such the petitioner does not deserve to be released on bail.

Having heard the rival submissions of the parties, the material available on the record as well as seizure-list, it appears that petitioner is witness to the seizure-list. However, considering the submission of the learned counsel for the petitioner that the vehicle from which the illicit liquor has been recovered does not belong to him, rather, the owner of the vehicle has not been made accused in the present case. The learned Court below is directed to get report from the Superintendent of Police, Vaishali at Hajipur with respect to the



owner of the vehicle bearing registration No. BR1U-2728 and on being satisfied that the petitioner is not the owner of the said vehicle, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 25 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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