

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32651 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- VIDYAPATINAGAR District- Samastipur

1. ARUN SINGH Son of Late Shivbalak Singh Resident of Village - Khan Mirjapur, P.S.- Vidyapati Nagar, Distt.- Samastipur.
2. Deepak Kumar Son of Arun Singh Resident of Village - Khan Mirjapur, P.S.- Vidyapati Nagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Vidyapati Nagar P.S. Case No. 45 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 153 litres foreign liquor from the hut in front of the house of petitioners.

Learned counsel for the petitioners submits that



petitioners are in custody since 28.03.2022. Petitioners bear no criminal antecedent. 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 nothing has been recovered from the conscious possession of the petitioners or from the house of the petitioners. Petitioners have no concern with the hut from where the alleged liquor is said to be recovered. There is no compliance of provisions of Section 100 Cr.P.C.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise 1st, Samastipur in connection with Vidyapati Nagar P.S. Case No. 45 of 2022, 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) Petitioners 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 petitioners tamper 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)

amitkr/-

U		T	
---	--	---	--

