

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33114 of 2022**

Arising Out of PS. Case No.-37 Year-2020 Thana- AGION (GARHANI) District- Bhojpur

SIKANDAR SINGH @ SIKENDRA SINGH Son of Rajdev @ Rajdev Singh
Resident of Village - Deorhi, P.O.- Semraon, P.s.- Charpokhari, Distt.-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 12-08-2022 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 Agiaon
(Garahni) P.S. Case No. 37 of 2020, Excise Case No. 591 of
2020 registered for the offence punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 467.26 litre illicit English wine from cowshed of co-accused
Dinesh Paswan and name of petitioner was disclosed by
apprehended co-accused Dinesh Paswan as fled away person.

Learned counsel for the petitioner submits that



petitioner is in custody since 20.04.2022 and bears criminal antecedent of two cases in which one case is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner is not apprehended on the spot. Seizure list has not been made as per law.

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, petitioner is 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 Exclusive Special Excise Court No. 1, Bhojpur at Ara in connection with Agiaon (Garahni) P.S. Case No. 37 of 2020, 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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