

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33752 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- HISUWA District- Nawada

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VINAY KUMAR SON OF RAMNANDAN PASWAN RESIDENT OF
VILLAGE- BALESHWARI SANJAY NAGAR, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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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 Hisua
P.S. Case No. 100 of 2022 registered for the offences punishable
under Sections 30(a), 37(c) of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery
of 450 litre illicit foreign liquor from the vehicle in question and
petitioner being driver of the said vehicle was apprehended on
the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.02.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing incriminating article has been recovered from conscious possession of the petitioner. Petitioner has no concern with the alleged seized wine. Petitioner is only driver of said vehicle. 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, keeping in view clean antecedent of petitioner, 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, 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 Judge-1, Nawada in connection with Hisua P.S. Case No. 100 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) 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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