

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33663 of 2022**

Arising Out of PS. Case No.-142 Year-2021 Thana- PIRO District- Bhojpur

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VIJAY SINGH @ VIJAY KUMAR S/o Tapeswar Singh R/o village-
Sonebarsha, P.S.- Navinagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Rama Kant Singh, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Piro P. S. Case No. 142 of 2021

registered for the offences punishable under Sections 272, 273,

240, 120 (B) of the Indian Penal Code Section 30 (a), 33, 36 and

41(i) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that co-



accused Vijay Singh Patel and Anshu Patel, who used to manage the supply of crude spirit was taken godown of one Arun Singh for keeping raw spirit. It is also alleged that the petitioner and other co-accused persons used to work as liner of the vehicle, the police intercepted a truck bearing registration no. BR02GA-6570 and on search, total 4050 litres crude spirit was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery was made from a truck and the petitioner has neither any concern with the truck nor with the alleged recovered illicit crude spirit. It is next submitted that save and except the allegation that the petitioner has worked as liner, there is no other material suggesting the involvement of the petitioner. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession. It is last submitted that the petitioner is in custody since 23.03.2022 and moreover, after completion of the investigation, charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that a huge quantity of crude spirit was recovered from the truck and the complicity of the petitioner cannot be ruled out.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and save and except the allegation that the petitioner worked as liner, there is no other material suggesting the complicity of the petitioner in the present crime, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 11-cum-Additional Sessions Judge-XI, Bhojpur, Ara in connection with Piro P. S. Case No. 142 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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