

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35703 of 2022

Arising Out of PS. Case No.-151 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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ARBIND KUMAR Son of Ram Keshwar Singh Resident of Village -
Fatehpur, Police Station - Musrigharari, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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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
Samastipur (Muffasil) P.S. Case No. 151 of 2022 registered for
the offences punishable under Sections 30(a), 41(i), (ii) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 1659.780 litres of Indian made foreign liquor from the
different vehicle in this case. The name of petitioner has been
transpired on secret information.

Learned counsel for the petitioner submits that



petitioner is in custody since 04.04.2022 and bears criminal antecedent of three cases out of 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. Learned counsel further submits that nothing incriminating has been recovered from possession of the petitioner. The petitioner has no knowledge regarding the alleged incident. There is no compliance of Section 100 of Cr.P.C. The petitioner is not the owner nor driver any of the vehicles. Petitioner is not apprehended on spot.

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 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Samastipur, District Samastipur in connection with Samastipur (Muffasil)



P.S. Case No. 151 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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