

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37073 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- GANGABRIDGE District- Vaishali

VISHWJEET KUMAR @ BISHWAJEET KUMAR @ FUNTA @ SUJIT
SON OF RANJAY SINGH @ RANJAY KUMAR R/O- VILL-
SAHDULLAPUR, P.S.- GANGA BRIDGE, DIST.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 The present matter has been listed under the heading.
“To Be Mentioned” on the basis of mentioning slip filed on behalf
of the petitioner.

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.

The petitioner seeks bail in connection with Ganga
Bridge P.S. Case No. 33 of 2022 registered for the offences
punishable under Section 30 (a) of the Bihar Prohibition & Excise
Act, 2016.

As per prosecution case, there is alleged recovery of
990.750 litres illicit liquor from the banana orchard, and the
allegation against the present petitioner and others is that they had



brought the said illegal wine to sell. It is further alleged that the petitioner and other fled away from the place of occurrence.

Learned counsel appearing for the petitioner submits that petitioner is quite innocent and has been falsely implicated in this case. Petitioner is in custody since 17.05.2022, bears criminal antecedent of one case which is of similar nature. It is submitted that the said banana orchard does not belong to the petitioner, and petitioner had no knowledge about the concealed liquor. Petitioner has neither been apprehended on spot nor any incriminating article has been recovered from his conscious possession. Seizure list has not been prepared as per law. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioner is not apprehended on spot 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



Court of Exclusive Special Excise Court No. 1-cum-Additional district & Sessions Judge, Hajipur, Vaishali in connection with Ganga Bridge P.S. Case No. 33 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

shweta/-

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

