

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38309 of 2022

Arising Out of PS. Case No.-168 Year-2022 Thana- NAVINAGAR District- Aurangabad

Vijay Singh Son Of Late Ramnandan Singh R/O Village- Banrahi, P.S.-
Nabinagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Atul Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Ashok Kumar 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 Nabinagar P. S. Case No. 168 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police, on a secret information, intercepted a car and a motorcycle. On search, total 387 litres country-made liquor was



recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, from the motorcycle, only three litres country-made liquor has been recovered, which belongs to the petitioner. It is also submitted that the petitioner has nothing to do with the recovery of illicit wine nor with the car, which was seized by the police. It is further submitted that only because of suspicion, the name of the petitioner has been implicated in this case. It is lastly submitted that there is no compliance of Sections 81-82 of the Bihar Prohibition and Excise Act, 2016, apart from the fact that the petitioner being handicapped person, is in custody since 20.05.2022, though, the investigation of the crime is already completed.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner having fair antecedent, is in custody since 20.05.2022 and moreover, after completion of the investigation, the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.



10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, I, Excise, Aurangabad in connection with Nabinagar P. S. Case No. 168 of 2022, 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.

(Harish Kumar, J)

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