

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37853 of 2022**

Arising Out of PS. Case No.-169 Year-2021 Thana- BALIYA District- Begusarai

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PUMPUM KUMAR SINGH @ PUMPAM KUMAR S/O BANBIR SINGH
Resident of Village- Rahatpur, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, APP.

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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. Pushpendra Kumar Singh, learned counsel for the petitioner as well as Mr. Narsingh Tanti, 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 Balia P. S. Case No. 169 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police, on a secret information, intercepted a ten wheeler truck, found parked near a road. On search, the police did not find any person on the truck, however, altogether, 3532.40 litres Indian made foreign liquor was recovered. It is also alleged that the local persons disclosed that the said liquor has been brought by co-



accused Dhiraj Kumar @ Dhiraj Rai.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither named in the F.I.R. nor he has any concern with the alleged recovered illicit wine. It is next submitted that during the course of investigation, the police derive the name of the petitioner only on suspicion that he is engaged in trade of illicit wine. It is also submitted that co-accused Dhiraj Kumar @ Dhiraj Rai against whom the specific allegation has been made that he has brought the liquor, has already been granted bail by learned coordinate Bench of this court in Cr. Misc. No. 594 of 2022 vide order dated 12.05.2022. It is last submitted that the petitioner having fair antecedent, is in custody since 27.05.2022.

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 was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, co-accused person Dhiraj Kumar @ Dhiraj Rai against whom specific allegation has been levelled, has already been granted bail by coordinate Bench of this court and the investigation of the crime is already completed and the charge sheet has been submitted, 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 Exclusive Excise Court-II, Begusarai in connection with Balia P. S. Case No. 169 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.

(Harish Kumar, J)

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