

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40934 of 2022

Arising Out of PS. Case No.-350 Year-2019 Thana- BIDUPUR District- Vaishali

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AJEET KUMAR Son of Manoj Singh @ Manoj Kumar Resident of Village -
Uphraul Dhobauli, P.s.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-08-2022 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.

The petitioner seeks bail in connection with
Bidupur P.S. Case No. 350 of 2019 registered for the offences
punishable under Section 30(a) of the Bihar Excise Act.

As per prosecution case, there is alleged recovery
of 697.7 litres foreign liquor from the pickup van in question.
The name of the petitioner transpired on the basis of secret
information who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.01.2022 and bears criminal
antecedent of two cases. 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 the conscious possession of the petitioner. It is further submitted that petitioner was 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, the petitioner was 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 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 350 of 2019, 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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