

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40101 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- DARIYAPUR District- Saran

VIJAY KUMAR SINGH @ VIJAY SINGH S/o- Tapeswar Singh Resident
of Village - Sone- Barsha, P.S.- Navinagar, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 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 Dariyapur
P.S. Case No. 203/2021 registered for the offences punishable
under Sections 372, 373, 420/120(b) of the Indian Penal Code
and Sections 30(a), 33, 36 and 41(i) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery of
total 5200 liters illegal spirit from the truck in question.
Apprehended co-accused, Pramod Kumar, disclosed the name of
petitioner who acted as facilitator in the alleged occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner was not apprehended on the spot. The petitioner is languishing in custody since 28.03.2022 and bears criminal antecedent of one case of similar nature. Nothing has been recovered from the conscious possession of the petitioner. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been prepared as per law. Co-accused, Ashu Patel @ Shaurabh Vijay @ Saurav Vijay has been granted bail by this Court vide Cr. Misc. No.14482/2022. Cco-accused, Pramod Kumar, Ranjit Rai @ Ranjit Kumar and Monchu @ Mochhu @ Byashjee have also been granted by the co-ordinate Bench of this Court vide Cr. Misc. No.38999/2021, Cr. Misc. no.43611/2021 and Cr. Misc. No. 39105/2021 respectively.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, co-accused persons have already been granted bail, charge sheet has already been submitted in this 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-II cum Special Excise Court-I, Saran, Chapra in connection with Dariyapur P.S. Case No. 203/2021, 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)

amitkumar/-

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

