

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40692 of 2022

Arising Out of PS. Case No.-229 Year-2021 Thana- RIVILGANJ District- Saran

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AMIT KUMAR SINGH @ ANISH KUMAR SINGH SON OF PATI RAM
SINGH RESIDENT OF VILLAGE- NAYA BASTI LOHA TOLA, P.S.-
RIVILGANJ, DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh

For the Opposite Party/s : Mr.Surendra Prasad Singh

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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

Rivilganj P.S. Case No. 229 of 2021 dated 25.06.2021 registered

for the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery

of 427.89 litres foreign liquor from the bank of Saryu river. The

name of the petitioner surfaced on the basis of secret

information and he was not apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 05.05.2022 and bears criminal antecedent of four cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner was not apprehended on spot and nothing has been recovered from the conscious possession of the petitioner.

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, **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 2nd Exclusive Special Judge, Excise Court, Saran at Chhapra in connection with Rivilganj P.S. Case No. 229 of 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)

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