

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42752 of 2022

Arising Out of PS. Case No.-416 Year-2021 Thana- BANIAPUR District- Saran

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AMIT KUMAR SINGH @ ANISH KUMAR SINGH Son of Pati Ram singh
Resident of village- Naya Basti Loha Tola, Police Station- Rivilganj, Dist-
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 : Mrs.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with

Baniyapur P.S. Case No. 416 of 2021 registered for the offences

punishable under Section 30(a) of the Bihar Prohibition of

Excise Act, 2016.

As per prosecution case, there is alleged recovery

of 108 litre illicit country made liquor and a mobile from Santro

car in question and apprehended co-accused Dhanji Manjhi and

Ranjit Choudhary disclosed that said wine was purchased from

the present petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 09.05.2022 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. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner is not apprehended on the spot. He further submits that co-accused Ranjit Choudhary who was apprehended on the spot has already been granted bail vide Cr. Misc. No. 21500 of 2022 and the case of present petitioner stands on better footing in comparison to apprehended co-accused Ranjit Choudhary.

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, 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 Additional Sessions Judge cum 1st Exclusive Special Judge,



Excise, Saran in connection with Baniyapur P.S. Case No. 416
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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