

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43783 of 2022

Arising Out of PS. Case No.-420 Year-2021 Thana- MAHUA District- Vaishali

Vijay Kumar Singh, S/o Raj Kumar Singh, Resident of Village - Bajitpur
(Sahpur Chaknur), P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Mahua P.S. Case No. 420 of 2021 registered for
the alleged offences under Sections 30 (a), 32 (ii), 34 (ii), 38 (ii)
and 41 (i) of the Bihar Prohibition and Excise Act.

Allegedly, 8812.590 litres of India made foreign
liquor was recovered from a truck. The petitioner is alleged to
be a member of syndicate involved in transportation and trade of
illicit liquor.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is neither the owner nor the driver of the said truck and he has got no concern with the said truck and the recovered liquor. Similarly placed co-accused Kunal Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 25.08.2022 passed in Cr. Misc. No. 41040 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 04.07.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his possession and further considering the submission of charge sheet and the period of custody of the petitioner as well as grant of bail to the co-accused, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Excise Court-II, Vaishali at Hajipr, in connection with



Mahua P.S. Case No. 420 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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