

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42770 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

BIKAR SINGH @ VIKAR @ VIKAR SINGH S/O MEJAR SINGH Resident
of Pent Padari, P.S.- Makhu, District- Firozpur, Stata- Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-09-2022 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 Industrial
Area P.S. Case No. 60/2021 registered for the offences
punishable under Sections 30(a)/36/41(i) of the Bihar
Prohibition and Excise (Amendment) Act, 2018 and Sections
420/467/468 of the Indian Penal Code.

As per prosecution case, there is alleged recovery of
total 4160.160 liters foreign liquor from truck in question. The
petitioner was not apprehended on the spot.

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



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 13.03.2021 and bears criminal antecedent of three cases out of which one case is of similar nature and in all cases he is on bail. Learned counsel for the petitioner further submits that during the course of investigation, the name of petitioner has transpired in this case on the basis of apprehended, co-accused, Nirmal Singh through his mobile bearing no. 8672739431 was in touch with the petitioner on his mobile having no. 9518443054 and apart from this there are no cogent material to implicate the petitioner in this case. The petitioner has neither concerned with the said truck nor concerned with the seized liquor. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed 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, charge sheet has already been submitted 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. 20,000/- (Rupees Twenty Thousand)



with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-1st cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 60/2021, 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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