

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44794 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- BIDUPUR District- Vaishali

=====

KUNAL SINGH S/O LATE DIWAKAR SINGH Resident of Village-
Maniyarpur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Manoj Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Bidupur P.S. Case No. 198 of 2021 registered for the offences
punishable under Sections 30(a), 41(i) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 2442.60 litre illicit foreign liquor from the pickup van in
question. There is accusation against the petitioner and others to
have engaged in trade of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is in custody since 09.03.2022 and bears criminal



antecedent of seven cases in which three cases are 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 neither the petitioner was arrested from the place of occurrence nor any recovery was made from his person or possession. Petitioner has no concern with the seized liquor. He further submits that except secret information, there is nothing on record to show complicity of the petitioner in the present case. No person has claimed to see the petitioner in the vicinity of the place of occurrence.

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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum- Additional Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case



No. 198 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

shahzad/-

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

