

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46576 of 2022**

Arising Out of PS. Case No.-563 Year-2021 Thana- MAHUA District- Vaishali

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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 Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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 through virtual mode.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 563 of 2021 registered for the offences punishable
under Section 414 of the Indian Penal Code and Sections 30(a),
32(1), 32(3), 41(1), 41(2)/36 of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
1117.200 litre English wine from the container in question and
the spy disclosed the name of petitioner and others who fled
away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 04.07.2022 and bears criminal history of one case of similar nature. He further submits that nothing has been recovered either from the conscious possession of the petitioner or from his house. Petitioner is neither driver nor owner of the said vehicle in question. Petitioner has been falsely implicated in this case. Petitioner is not apprehended on the spot. Co-accused Pankaj Kumar, on similar allegation, has been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 21932 of 2022.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of the parties 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 bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-II, cum Additional Session Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 563 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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