

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53223 of 2022

Arising Out of PS. Case No.-207 Year-2016 Thana- AMNAUR District- Saran

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Vijay Singh @ Vijay Kumar Singh S/O Hirdaya Singh @ Hirday Narayan
Singh Resident of village- Pipra, P.S.- Sahjeetpur, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Amnour P.S. Case No. 207 of 2016 lodged under Sections 201,
272, 273, 420, 120 (B) of I.P.C. and Sections 30(a), 38, 41 of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 3500
liter liquor is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 25.07.2022 having
one criminal case pending against him, in which he is on bail

and charge sheet has already been filed in this case. He also submits that petitioner has not been named in the F.I.R. Learned counsel submits that one apprehended accused Kanahaiya Mishra disclosed the name of co-accused Guddu Tiwari and the said Guddu Tiwari taken the name of present petitioner. He further submits that petitioner was not apprehended from the place of occurrence. There is violation of Section 100 of the Cr.P.C. in preparation of seizure list.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2-Cum-Excise, Court-1, Saran, Chapra in connection with Amnour P.S. Case No. 207 of 2016, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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