

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.156 of 2022

Arising Out of PS. Case No.-649 Year-2019 Thana- MADHAURAH District- Saran

Arvind Kumar Singh @ Praveen Singh Son of Manbodhan Singh @ Potan
Singh Resident of Village - Rampur, P.S.- Morhowrah, Distt.- Saran At
Chapra.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 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
Marhowrah P.S. Case No. 649 of 2019 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
3991.8 litre foreign liquor from truck and motorcycle in
question is also seized. It is further submitted that petitioner and
co-accused persons were not apprehended on the spot.
Chowkidar and other persons have disclosed the name of the



petitioner and further stated that petitioner is indulged in selling illegal liquor.

Learned counsel for the petitioner submits that petitioner is in custody since 06.10.2021 and bears criminal history of five other cases, out which he has been granted bail in all the cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner was not apprehended on the spot and he has no concern with the recovered liquor, truck and motorcycle in question. Nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been falsely implicated in this case.

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 that petitioner was not apprehended on the spot and the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge Excise, Saran in connection with Marhowrah P.S. Case No. 649 of 2019 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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