

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47356 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- JALE District- Darbhanga

Vijay Singh @ Vijay Kumar Singh Son Of Late Mahesh Singh @ Mahsh
Prasad Singh Resident Of Village- Pithariya, P.S- Jalley, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Jha, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
29.05.2023 in connection with Jalley P.S. Case No. 43 of 2023,
F.I.R. dated 14.04.2023 registered for the offence punishable
under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Recovery is of 662.76 liters of illicit liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. The name of the
petitioner has been transpired on the basis of the disclosure
made by the co-accused person and from bare perusal of the FIR
as well as the seizure list that nothing has been recovered from



conscious possession of the petitioner rather 18 liters of foreign liquor has been recovered from the Scooty in question and 644.760 liters of foreign liquor has been recovered from the house of co-accused, namely, Nand Kishore Singh and the petitioner is cousin brother of Nand Kishore Singh and the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 29.05.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I (Excise Act), Darbhanga in connection with Jalley P.S. Case No. 43 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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