

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55271 of 2023

Arising Out of PS. Case No.-380 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Vishal Kumar Singh S/O Awdhesh Kumar Singh Resident Of Village-
Musehari, Po- Sirisiya, Ps- Jamo Bazaar, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
10.07.2023 in connection with Siwan Muffasil (Dhanauti) P.S.
Case No.380 of 2023, F.I.R. dated 09.07.2023 for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act, 2016.

3. The case relates to recovery is of 707.280 liters of
illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. Further submits that from perusal of the FIR, it
appears that nothing has been recovered from the conscious
possession or the house of the petitioner, rather recovery has
been made from the vehicle in question and the petitioner is



neither the driver nor the owner of the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor and co-accused Abhishek Yadav was the driver and Chandan Yadav is the co-driver of the vehicle in question and the petitioner is friend of the Abhishek Yadav. He further submits that there is non compliance of Section 100 of the Cr.P.C. and the petitioner is in custody since 10.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

6. Considering the aforesaid facts and circumstances of the case, 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 the learned Exclusive Special Excise Judge,02, Siwan in connection with Siwan Muffasil (Dhanauti) P.S. Case No.380 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan

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