

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75014 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

VISHAL KUMAR SINGH SON OF LATE NARENDRA SINGH
RESIDENT OF VILLAGE- MANGHARIYA, P.S.- BUXAR
(INDUSTRIAL), DISTRICT-BUXAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Buxar
(Industrial) P.S. Case No. 267 of 2023 registered for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act,2018.

3. As per prosecution case, there was alleged
recovery of 43.200 litre illicit liquor from the motorcycle in
question and petitioner apprehended on spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 20.09.2023. Petitioner bears no
criminal antecedent. Learned counsel orally submits that charge
sheet has been submitted in the case and there is no likelihood



of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged occurrence. Petitioner is not the owner of the vehicle in question rather the same belongs to father of the petitioner who has already died. Learned counsel further submits that petitioner is quite innocent and has falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.1, Buxar in connection with Buxar (Industrial) P.S. Case No. 267 of 2023, 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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