

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.736 of 2023

Arising Out of PS. Case No.-634 Year-2022 Thana- WARISLIGANJ District- Nawada

Bipin Kumar, Son of Krishna Choudhary, R/O Village- Mohiuddinpur, P.S.-
Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Warisaliganj P.S. Case No. 634 of 2022 dated 23.10.2022
registered for the offence punishable under Section 30 (a) of
Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that though against the petitioner
there are criminal antecedents of eight cases but he has got bail
in four cases and the present matter relates to the recovery of 70
litres of country made wine from a pile of garbage and against
the petitioner the investigation has been completed and he has
been languishing in jail since 24.10.2022 and all the witnesses
who are to be examined in the petitioner's trial are official



persons and there is no independent witness of the search and seizure of the alleged wine.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that though against the petitioner there are criminal antecedents of eight cases and all the said cases relate to the Excise Act but in the present matter the alleged recovery of wine was made from the pile of garbage and the investigation has been competed against the petitioner and most of the witnesses of the prosecution including the witnesses of the seizure are official persons and also taking into account the petitioner's custody period, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, **let the petitioner be released on bail after framing of charge, if the same has not been framed,** in connection with Warisaliganj P.S. Case No. 634 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his



absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(2) 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.

(3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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