

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82486 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- VIDYAPATINAGAR District- Samastipur

BIRENDRA KUMAR SON OF SRI RAM BILASH PODDAR RESIDENT
OF VILLAGE- BHAGWANPUR CHAKSHEKHU, P.S.- DALSINGSARAI,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Vidyapatnagar P.S. Case No. 13 of 2023 registered for the offences punishable under Sections 414, 420, 467, 468 and 471 of the IPC and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act ,2022.

3. As per prosecution case, 410 litre foreign liquor was recovered from the Scorpio in question and FIR has been lodged against owner and driver of the said vehicle in question besides the user of mobile no. 9142916812.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been



transpired in the present case as owner of the seized Scorpio bearing registration no. BR9D5490 as per impugned order. He further submits that petitioner is in custody since 22.09.2023 and 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. He further submits that petitioner is neither owner nor driver of the vehicle in question as the petitioner has sold the seized vehicle much earlier on 16.11.2022 to one Deepak Kumar, for which an agreement-cum sale deed was made between the parties. He further submits that nothing has been recovered from the conscious possession of the petitioner. 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, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides 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 Judge Excise Court-1, Samastipur in connection with Vidyapatinagar P.S. Case No. 13 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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