

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2587 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- TAJPUR District- Samastipur

Vijendra Kumar Kapar @ Vijendra Kapar @ Vijendra Kumar Son Of
Rampukar Kapar Resident Of Village- Gunai Bashi, Ps- Tajpur, Distt-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Tajpur P.S. Case No.180 of 2023, lodged on 06.04.2023, under
Sections 30(a)/41(2)/41(1) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution, recovery of 76.755 liters of
foreign liquor is subject matter of the present case, which is
alleged to have been recovered from a maize field of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the recovery has been made from a field which is of



a public domain and it has not been recovered from the petitioner's possession. Counsel further submits that he has been made accused only due to the reason that there are two criminal cases pending against him and he is on bail in both the cases. Counsel further submits that the petitioner is in custody since 10.10.2023.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise-II), Samastipur, in connection with Tajpur P.S. Case No.180 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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