

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38445 of 2016

Arising Out of PS.Case No. -998 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Vishambhar Kumar Singh Son of Dudheshwar Singh, Resident of
Village- Badhaiya, Police Station -Sasaram (M) District Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Anand Kishore Choudhary

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-09-2016

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 272, 273, 414 of the Indian Penal Code and
Section 47(A) of the Bihar Excise Act registered in connection with
Sasaram (Town) P.S. Case No. 998 of 2015.

3. It is submitted that the petitioner has been falsely
implicated merely because the petitioner happens to be the owner
of the motorcycle in question. It is further submitted that nothing
has been recovered from the motorcycle, rather the entire
quantity of country made liquor was recovered from the Maruti
car with which the petitioner has no concern whatsoever. It is
further submitted that the alleged occurrence relates to the period
prior to the recent amendment in the Bihar Excise Act.

4. Having regard to the entirety of the facts and
circumstances, in the event of the petitioner's arrest or surrender
before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bond of Rs. 10,000/- (ten
thousand) with two sureties of like amount each to the

satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 998 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

Chandran/BT

(Vikash Jain, J)

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