

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17104 of 2017

Arising Out of PS.Case No. -112 Year- 2015 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Balmiki Singh S/o Late Sachita Nand Singh Resident of Village- Krishna
Nagara, P.S. Madhuban, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
15.11.2016 in connection with Pakarideyal P.S. Case No. 112/15
for offences punishable under Sections 272, 273 of the Indian
Penal Code and Sections 47/47(A), 48, 53, 55 of the Excise Act.

The prosecution case, as lodged by the police raiding
party, is that from the pick-up van 2835 litres of country-made and
foreign liquor was recovered and one Ram Kishore Singh was
arrested, who named Puran Singh and Vakil Singh to be his
accomplice and also confessed that they were bringing the stocks
to the shop of the petitioner. From the shop 57.6 litres of liquor
was recovered. The petitioner was not present and the Manager



Pappu Singh disclosed the name of the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent, shop does not belong to him, he has no concern with the alleged illicit liquor and has been falsely implicated in the aforesaid case on the confessional statement of co-accused before the police, which has no evidentiary value in the eye of law. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and just because he has a criminal antecedent he has been named. He further submits that nothing has been recovered from his conscious possession and no overt act has been committed by him. It is submitted that the apprehended co-accused and other co-accused have been granted privilege of bail by Coordinate Bench of this Court in Cr. Misc. No. 47886 of 2015 on 10.11.2015.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has a criminal antecedent and as many as 12 cases are pending against him, some with similar allegations.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-5, East Champaran at Motihari, in connection with Pakarideyal P.S. Case No. 112/15, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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