

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14223 of 2018

Arising Out of PS.Case No. -146 Year- 2017 Thana -AMNAUR District- SARAN

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1. Bhim Singh S/o late Bir Bahadur Singh R/o Village- Belkunda, P.S.
Jalalpur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Petitioner is permitted to make necessary correction in
paragraph 3 of this application.

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

Petitioner is languishing in judicial custody since
05.02.2018 in connection with Amnour P.S. Case No. 146/2017
for offences punishable under Sections 188, 272, 273, 420, 120-B
of the Indian Penal Code and Sections 30(a), 38, 41 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that while on patrolling duty they found a bus
standing on the road and the articles were being unloaded in a



Bolero and pick-up van. The police reached there and all the accused persons started fleeing away, but one Bachcha Rai was apprehended who disclosed the name of the petitioner and other accused persons. The police recovered 1973.520 litres of foreign liquor, and, accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and was not apprehended by the police but his name surfaced along with other co-accused by the apprehended co-accused Bachcha Rai. He submits that co-accused Bachcha Rai along with other co-accused named by him has been granted privilege of bail by this Court, but his prayer for bail has been rejected because he has been made accused in five cases and in two cases he has been acquitted. Petitioner undertakes to cooperate in the investigation and not to tamper with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean criminal history and is involved in a number of cases on similar allegations.

Considering the facts and circumstances and the materials on record and since the other co-accused have been



granted privilege of bail, 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 6th Addl. Sessions Judge, Saran, in connection with Amnour P.S. Case No. 146 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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.
- (3) 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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