

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36677 of 2018

Arising Out of PS. Case No.-125 Year-2018 Thana- MAIRWA District- Siwan

-
1. Jairam Singh, S/o Indrasan Singh,
 2. Nikesh Kumar Singh S/o Jairam Singh, Both are R/o Vill.-
Karjaniya, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 27-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with
Mairwa P.S. Case no. 125 of 2018 registered under Sections
272, 273, 34 of I.P.C. and Sections 30(A), 38(i), 41(i) of Bihar
Excise and Prohibition Act-2016.

2220 lts. of foreign liquor is said to have been
recovered from dalan and from near the washroom of the
petitioner Jairam Singh and said Jairam Singh and his son,
namely, Nikesh Kumar Singh (petitioner) and one other
accused, namely, Prince Kumar were apprehended.

It is submitted by learned counsel for the petitioners
that no incriminating article has been recovered from conscious
physical possession of the petitioners. They have no concern



either with the seized liquor or with the place of recovery or with any trade of liquor. They have been falsely implicated in this case at the instance of their enemies. They have no criminal antecedent. They have been languishing in custody since 11.04.2018. By filing supplementary affidavit along with documents, learned counsel for the petitioner submitted that petitioner Nikesh Kumar Singh is a student and is perusing engineering course from Baba Saheb Dr. Bhimrao Ambedkar College of Agril Engg. & Technology, Campus Etawah as a 1st year student and he had visited his village taking three days leave from the college, in the meantime, he has falsely implicated in this case at the instance of his enemy to ruin his career

In the facts and circumstances of the case, the petitioner no. 2 Nikesh Kumar Singh, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-II-cum-Special Judge Excise, Siwan in connection with Mairwa P.S. Case no. 125 of 2018.

So far as the petitioner no. 2 Jairam Singh is concerned, there is huge recovery of foreign liquor from his



house as well as near the washroom of his house, I am not inclined to enlarge him on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within five months from the date of receipt/production of a copy of this order and S.P. Siwan is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Siwan by fax for needful.

The petitioner is at liberty to renew his prayer for bail, if the trial is not concluded within stipulated period.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

