

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67935 of 2018

Arising Out of PS. Case No.-411 Year-2018 Thana- BARAUNI District- Begusarai

Deepak Singh, Son of Shankar Singh, Resident of Village- Sishwa, Police Station- Barauni (Refinery), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nivedita Nirvikar, Advocate
For the Opposite Party/s	:	Mr. Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 06-11-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Barauni P.S. Case No. 411 of 2018 registered for the offence punishable under Sections 30(A), 38 of Bihar Prohibition and Excise Act, 2016 and Section 25(1-b)a, 26(i) of the Arms Act.

Allegation against petitioner is of recovery of foreign liquor and illegal arms from the house of petitioner. Foreign liquor was kept in a jute bag whereas arms and ammunicions were kept in a plastic bag.

It has been submitted on behalf of the petitioner that nothing was recovered from his possession or from his house and he has been falsely implicated in this case on account of police high-handedness. There are no independent witnesses in



seizure list and police constables have been made witnesses. Petitioner is disabled person and has a diminished vision in support of which several medical prescriptions have been enclosed. Petitioner has no criminal antecedent and he is in custody since 25.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released 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 Additional Sessions Judge II-cum Special Judge, Excise Act, Begusarai, in connection Barauni P.S. Case No. 411 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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