

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9602 of 2019

Arising Out of PS. Case No.-144 Year-2018 Thana- KORANSARAI District- Buxar

SATISH SINGH, aged about 30 years, Male, S/o Dilip Singh, resident of
village-Kopawa, P.S-Koransarai, Distt.-Buxar ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Rajani Kant Pandey, Adv.
For the Opposite Party : Mr. Ram Bachan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
03.01.2019 in connection with Koransarai P.S. Case No. 144 of
2018 for the offence alleged under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during checking of vehicle they intercepted a
truck and persons sitting in the truck, on seeing the police tried
to flee away, two were apprehended and two of them managed
to flee away. The apprehended co-accused took the name of
three persons for whom they worked. The police recovered
47520 bottles of Indian made foreign liquor containing 180 ml
each from the truck.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he is not named in the first information report and his name was revealed afterwards by the apprehended co-accused before the police which has no evidentiary value in the eye of law. He, further, submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner was not at the place of occurrence and undertakes to cooperate in the investigation and not induce witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case under the Excise Act is pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail, **on completion of three months in custody**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Koransarai P.S. Case No. 144 of 2018 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Excise, Buxar, subject to the following conditions :

- (i) 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.

(ii) 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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