

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16348 of 2019

Arising Out of P.S. Case No.-83 Year-2018 Thana- NTPC District- Patna

BITTU SINGH, aged about 32 years (Male), S/o of Ram Singh Resident of
Village- Ekdanga, P.S.- Belchhi, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
25.11.2018 in connection with Special Case No.1191 of 2018
arising out of NTPS Case No.83 of 2018 for the offence alleged
under Sections 37(b) (c) of the Bihar Prohibition and Excise
Act, 2016 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case as lodged by the police
personnel is that on secret information that some persons of
criminal nature, have assembled and are consuming illicit liquor,
the police conducted a raid and apprehended the petitioner and
other co-accused Pappu Chauhan who were found in an
intoxicated condition which was confirmed by the breath
analyzer. On search from the possession of the petitioner, one



country made pistol and two cartridges one live and one fused were recovered.

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 no overt-act has been alleged to have been committed and that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent as two more cases are pending against him although the petitioner submits that in both the cases, he has already been granted the privilege of bail by the learned court below itself.

Considering the nature of allegations and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No.1191 of 2018 arising out of NTPC Case No.83 of 2018 to the satisfaction of learned Special Judge Excise, Patna, 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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