

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39264 of 2019

Arising Out of PS. Case No.-152 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

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SHER SINGH @ SHERA Son of Sri Ram Prakash Singh @ Ram Prakash
Resident of Village- Kothar Khurda, P.s.- Porsa, District- Morania (Madhya Pradesh).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-07-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Bhagwanpur Hat P.S. Case
No. 152/2018, instituted for offence under Section(s) 272, 273,
308 and 420 of the Indian Penal Code read with Section 30(a) and
41(i) of the Bihar Prohibition and Excise Act.

Earlier prayer for bail of petitioner was rejected by this
Court vide order dated 10.12.2018 passed in Cr. Misc. No.
70946/2018 with observation to renew prayer for bail after six
months in the event no substantive progress is made in trial.

It is alleged in the written report that one container
(Truck) was apprehended by the police in which total 1746 litres
of foreign liquor was found loaded. The petitioner was driver of
the aforesaid vehicle. He confessed before the police that aforesaid



container (Truck) belongs to one Dinesh of Haryana. Dinesh had loaded 713 cartons of foreign liquor which was to be delivered in Siwan, for which, he was paid Rs. 10,000/- by him.

Report from the court below regarding stage of trial has been received, wherein it is mentioned that after framing of charge not a single witness has been examined in this case till date.

Petitioner is in custody since 13.07.2018.

Keeping in view the period of custody spent by petitioner, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the learned Addl. District & Sessions Judge Ind-cum-Special Judge, Excise, Siwan, in connection with Bhagwanpur Hat P.S. Case No. 152/2018, subject to the conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the



petitioner and

(III) if petitioner tamper with the evidence in
the case, prosecution will be at liberty
to move for cancellation of bail bond of
the petitioner.

(Sanjay Priya, J)

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