

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74053 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- SAKRA District- Muzaffarpur

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Divesh Singh Son of Sunil Singh @ Sunil Kumar Singh Resident of Village -
Sabaha, P.S.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-12-2019

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is that he is indulged in sale of foreign liquor from his Gumti and as informant alongwith other police personnel reached his Gumti, co-accused Mahto Singh and Randhir Mahto who were coming on the motorcycle with illicit liquor fled away. However, the motorcycle and illicit liquor was recovered and seized by the police. Total illicit liquor kept on motorcycle and Gumti measuring 47.03 liters were seized.

It has been submitted on behalf of the petitioner that the petitioner is innocent and he has been falsely implicated in



this case and nothing was recovered from the conscious possession of the petitioner and he has not been apprehended at the spot. Petitioner has no criminal antecedent and he is in custody since 25.08.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sakra P.S. Case No. 254 of 2019, with following conditions:-

(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 shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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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