

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21846 of 2020

Arising Out of PS. Case No.-298 Year-2019 Thana- RIGA District- Sitamarhi

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AJAY SINGH, aged about 23 years (M), S/o Gudar Singh, Resident of
Village- Ramnagra Bangla Tola, P.S.- Riga, Distt- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ashok Kumar Jha, Advocate.
For the Opposite Party : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 414 of the IPC and 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 60 liters



wine is said to have been recovered from the Motorcycle.

Earlier bail application of the petitioner was rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. 6891 of 2020 under order dated 06.02.2020, annexed as Annexure-1 to the present application, with an observation to renew his prayer for bail after framing of charge. In paragraph no. 8 of the present application, it has been stated that the charge has already been framed on 27.02.2020. Hence, the present application has been filed.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 17.12.2019. Charge has been framed in the present case. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 60 liters wine is recovered from the Motorcycle in question. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused Mahesh Singh. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of wine from conscious possession of the petitioner. There is no compliance of Section 100 of Cr. P.C.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Riga P.S. Case No. 298 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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