

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86265 of 2019

Arising Out of PS. Case No.-535 Year-2019 Thana- MASHRAK District- Saran

SHAILESH SINGH @ DARA SINGH S/o Kavaldev Singh (Wrongly described as Poldev Singh) R/o Village- Parsa, P.S.- Ishuapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Naraya, Sr. Adv. with Mr. Bishwajeet Singh Adv.
For the Opposite Party/s : Ms Meena Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-01-2020 Heard learned Sr. counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in **Mashrak P. S. Case No. 535 of 2019** instituted for the offence under Section(s) 272, 273, 467,468,471 and 414 of the Indian Penal Code read with Section 30, 30(a), 36, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

A huge quantity of illicit liquor has been recovered from a truck and a vehicle standing by the cold storage. The petitioner has been apprehended on a motorcycle. It is alleged that he was trying to flee from the place of recovery.

The learned Sr. counsel submits that even as per the allegations made in the First Information Report and the seizure



memo, there is no recovery of any liquor from the petitioner's possession or from the motorcycle, on which, petitioner is alleged to have been travelling. It is also submitted that petitioner was a *bona fide* passerby from the place of occurrence and, merely on suspicion, having no criminal antecedents, the petitioner has been implicated in the instant case. He is in custody since 11.12.2019. The petitioner is also said to be having no connection with the recoveries made.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, 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 **2nd Addl. Sessions Judge-cum-Special Judge, Excise, Saran**, in connection with **Masrakh P. S. Case No. 535 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fail to do so on two consecutive dates, his bail



bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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