

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13546 of 2021**

Arising Out of PS. Case No.-265 Year-2020 Thana- DINARA District- Rohtas

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SHASHI SINGH S/o- Kanhaiya Ram @ Kanhaiya Singh R/o Village- Harana
Chiti Baradih, P.S.- Tilouthu, Distt- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Dinara P.S. Case No.265/2020 registered for

the offences punishable under Sections30(a)/33 and 36 of the

Bihar Prohibition and Excise Act, 2016.

As per the prosecution story the S.H.O. of Dinara

police station recorded his self-statement stating therein that he

received a secret information that one Ajit Kumar with his

associates was indulged in manufacturing of illicit liquor in his

house. It is alleged that on receiving this information the informant along with police party reached at the given place and searched the house of said Ajit Kumar and recovered 119.96 litres of liquor, 70 litres of spirit and 900 empty bottles. It is further alleged that on enquiry one Shashikant Rai disclosed the name of this petitioner as his associates.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing has been recovered from the possession of the petitioner rather the recovery was made from the house of co-accused Ajit Kumar. It is submitted that the petitioner is in judicial custody in connection with this case since 06.09.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that 119.96 litres of illicit liquor, 70 litres of spirit and 900 empty bottles have been recovered from the house of co-accused Ajit Kumar and not from the house of this petitioner, he was allegedly present at the said place when the police raided the premise, no liquor was seized from the vehicle of this

petitioner, he has otherwise no criminal antecedent and has remained in jail in connection with this case since 06.09.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum Special Judge, Excise, Rothas at Sasaram in connection with Dinara P.S. Case No.265 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify

the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.