

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No. 16141 of 2021**

Arising Out of PS. Case No.-249 Year-2020 Thana- DIDARGANJ District- Patna

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VIJAY SINGH Son of Late Dashrath Singh Resident of Village - Sonama,
P.S.- Didarganj, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 24-06-2021 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 Didarganj P.S. Case No. 249 of 2020 and Special Case No. 6891 of 2020 registered for the offences punishable under Section under Sections 30(a) and 36 of the Bihar Excise and Prohibition Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story when the informant was on patrolling duty near Sonama Bazar he saw a black tempo running away on



seeing the police jeep. The tempo was intercepted and the three persons seated on the tempo were arrested including this petitioner. It is alleged that on search of the said tempo a total of 270 litres country-made liquor has been seized.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is neither the owner nor the driver of the tempo from which the recovery has been made rather he was only a passenger in the tempo, the two co-accused persons have been granted bail by a learned co-ordinate Bench of this Court. Learned counsel further submits that nothing has been found from the conscious possession of the petitioner and he is in custody since 02.12.2020.

Learned A.P.P. for the State 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 the learned counsel for the petitioner that he was a mere passenger in the tempo, the two co-accused who were also arrested with the petitioner have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 8448 of 2021, the petitioner is on bail in the only case stated in paragraph '3', he has remained in jail in connection



with the present case since 02.12.2020, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Bihar Prohibition and Excise Act, Patna in connection with Didarganj P.S. Case No. 249 of 2020 and Special Case No. 6891 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.

This application stands disposed of accordingly.

(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'.

