

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12798 of 2020**

Arising Out of PS. Case No.-767 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

Uma Shankar Singh, aged about 51 years, Gender-male, Son of Late Binda Singh, Resident of Village- Rampur Lakshmi, P.S.-Kanti, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 17-02-2021

Heard Mr. Ravi Ranjan, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 09.12.2019 in Cr. Misc. No. 78123 of 2019.

3. The petitioner is in custody in connection with Kanti PS Case No. 767 of 2019 dated 12.10.2019, instituted under Sections 30(a)/38/41 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he along



with his sons was dealing in liquor and from his house 778.110 litres of liquor was recovered.

5. Learned counsel for the petitioner submitted that the recovery was not made from the conscious possession of the petitioner and he has been falsely implicated. It was submitted that the petitioner has no connection with the recovered liquor as it belongs to Niraj Kumar Singh, though he is his son. He submitted that the petitioner has no other criminal antecedent and is in custody since 13.10.2019.

6. Learned APP submitted that the petitioner along with his son indulged in the business of illegal liquor and from their house recovery of liquor has been made.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzffarpur in Kanti PS Case No. 767 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an



undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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