

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29493 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- JOGBANI District- Araria

JAY SINGH Son of Late Buddi Singh Resident of Village- Haripur, Ward
No.-6, P.S.- Jogbani, Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 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 Jogbani P.S. Case No.228 of 2020 corresponding
to Special Case No.786 of 2020 registered for the offences
punishable under Sections 353 and 414 of the Indian Penal Code,
Sections 25(1-b)a/26/35 of the Arms Act and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016. He is in custody since
05.11.2020. The petitioner has got one criminal antecedent in
which he is said to be on bail.

As per the prosecution story on 26.09.2020 at about
3.30 hrs. on the basis of the secret information the informant along



with other SSB personnel started vehicle checking at Forbesganj to Tالياري Road and during the vehicle checking he saw that two motorcycles were coming from Forbesganj. It is alleged that on suspicion when the informant intercepted them then motorcycles riders were tried to flee away but on chase one of them was apprehended. It is further alleged that on search one loaded country made pistol and 160 bottles of Dialex DC cough syrup have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner was not arrested with the motorcycle in question and there is no recovery of illicit liquor from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 05.11.2020.

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 the petitioner was not arrested with the motorcycle in question, the said motorcycle is in the name of the petitioner but it was taken by the co-villager on the pretext of going to a doctor, there is no recovery of illicit liquor from the conscious possession



of the petitioner, he has got one criminal antecedent of different nature in which he is on bail and so far as the present case is concerned, he is in custody in connection with this case since 05.11.2020, in the circumstance, 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 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Jogbani P.S. Case No.228 of 2020 corresponding to Special Case No.786 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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'.

