

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38080 of 2021

Arising Out of PS. Case No.-346 Year-2019 Thana- BARH District- Patna

SHYAM SINGH @ SHEKHIYA @ VIJAY KUMAR SINGH @ SETHIA S/O
Sona Singh @ Sona Prasad Singh Resident of Village - Sikharichak, P.S. -
Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dr. Anshuman Mr.Prashant Prakash Mrs.Rita Kumari Upadhyaya Mr.Sanjay Kumar
For the Opposite Party/s :	Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Barh P.S. Case No.346 of 2019, registered for the offence punishable under Sections 30(a)/ 38/ 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 3547.47 litres of foreign liquor is alleged to have been recovered from houses of the accused persons in



village Sikandra, for which FIR has been lodge against eighteen accused persons. Petitioner is said to be a member of the syndicate.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case by the police to destroy his political career. From perusal of FIR, it is clear that no recovery has been made from the possession of the petitioner rather the recovery of liquor has been made from the house of co-accused persons, who were granted regular and anticipatory bail by several co-ordinate Benches of this Court. The name of petitioner figured in this case only on the statement of the co-accused. Only allegation against the petitioner in FIR is that someone stated that he used to provide help in selling of liquor in Barh area. Petitioner has two criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 24.03.2021.

Petitioner is agreed to deposit a sum of Rs. 50,000.00/- (Rupees Fifty Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let



the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court, in connection with Barh P.S. Case No.346 of 2019, with the following conditions:-

(1) 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 petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his/her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.50,000.00/- (Rupees Fifty Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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