

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41431 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- MASHRAK District- Saran

Chaman Singh Son of Akhileshwar Singh Resident of Village- Babu Ke
Chapiya, P.S.- Mashrak, District- Saran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Kamlesh Kumar, Advocate

For the Opposite Party : Mr.Raj Ballabh Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30/30a, 38/41 of the Bihar Prohibition and Excise Act.

As per the prosecution case, 480 liters of spirit was recovered from the house of co-accused one Meena Devi.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner's name has figured during course of investigation in confessional statement of co-accused to the effect that the petitioner was the owner of the said spirit. Petitioner is in custody since 7.6.2021. Investigation is complete.



Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise Act Saran in Mashrakh Police Station Case No. 207/2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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