

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44894 of 2021**

Arising Out of PS. Case No.-6 Year-2021 Thana- JAYRAMPUR District- Sheikhpura

Santosh Singh, Male, aged about 32 years, son of Sri Parmanand Pd. Singh @ Parmanand Singh, resident of village Jagjivanpur, Police Station-Sarmera, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Excise Case No. 115/2021 arising out of Jairampur, P.S. Case No. 06 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story in brief is that ASI Binod Kr. Jha along with police force received secret information that Lalmohan along with his associates have to collect huge quantity of foreign liquor on the occasion of Holi and a truck



was standing near the Utkramit school, Sughanpur and foreign liquor was unloaded by the said truck and want to conceal huge quantity of liquor. He gave information to the higher authority. Informant along with police force reached near the garden and on seeing the police vehicle, accused started running away, but apprehended with the help of police force. The apprehended person told his name Santosh Singh, son of Parmanand Singh, resident of village Jag Jivanpur, P.S. Sarmera and District Nalanda. He named about veteran accused Lalmohan and Piyush. The police searched the vehicle and recovered total 3752.64 litres foreign made liquor, accordingly seizure list has been prepared. Further, these petitioners were found hidden in the cabin of the said truck.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He has further submitted that nothing has been recovered from the possession of the petitioner. It appears from the F.I.R. itself that the alleged recovery has been made from the open space near the agricultural land of the petitioner. He has further submitted that the police after investigation has submitted charge-sheet against the petitioner. That the petitioner is in custody since



22.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 learned Additional District and Sessions Judge-II, Sheikhpura in connection with Excise Case No. 115/2021 arising out of Jairampur, P.S. Case No. 06 of 2021 subject to 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 absence on two consecutive dates without sufficient reason, his 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.

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

(Rajesh Kumar Verma, J)

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