

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45605 of 2021

Arising Out of PS. Case No.-89 Year-2018 Thana- MANJHI District- Saran

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SURENDRA SINGH @ SURENDRA Son of Pratap Singh Resident of
Village - Bagru Kalan, P.S.- Sadar Safido, Distt.- Jind, (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Kundan Kumar Singh, Adv. Mr. Pratik Kumar, Adv. Mr. Bishwajeet Singh, Adv.
For the Opposite Party/s :		Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Manjhi P.S. Case No. 89 of 2018 registered for the offence under Sections 272, 273, 188 and 420 of the Indian Penal Code and Section 30, 30(a) and 38 of the Bihar Prohibition and Excise Act.

Recovery is of 10080 liters of foreign liquor along with two mobiles with sim and also cash of Rs. 2000/-.



Learned senior counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R. but the petitioner is said to be registered owner of the vehicle from which the alleged recovery has been made and mere on account this fact, he has been made accused in this case. Neither the petitioner was apprehended from the spot nor anything as alleged in the F.I.R. has been recovered from his conscious possession. The petitioner is rotting in judicial custody since 21.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-II -cum- Special Judge, Excise, Saran in connection with Manjhi P.S. Case No. 89 of 2018, subject to the following conditions:-

(i) Both the bailors shall be the resident of territorial jurisdiction of the learned court below.



(ii) 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 canceled by the Court below.

(iii) 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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