

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49598 of 2021

Arising Out of PS. Case No.-361 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

PARTAP SINGH @ PRATAP SINGH Son of Late Bhim Singh Resident of
Village - Machhri, P.S.- Mahana @ Mohana, Distt.- Sonipat (Haryana)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

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

Petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 361 of 2021, Excise G.R. Case No. 462 of 2021 registered for the offences punishable under Sections 414, 420, 467, 468, 471, 120B of the IPC and Sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise Act, 2018.

There is total recovery of 2262 litres of IMFL from a truck.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Learned counsel further submits that in fact, the petitioner was arrested on 07.03.2021 in connection with Hajipur Sadar P.S. Case No. 230 of 2021 and remanded in the present case on 08.04.2021 on the basis that he was truck driver of the alleged truck bearing Registration No. HR46B-7739. It is further submitted that no incriminating article has been recovered from conscious possession of the petitioner. The present FIR has been instituted on 04.04.2021 and on that day the petitioner was in custody in connection with Hajipur Sadar P.S. Case No. 230 of 2021. Petitioner has been remanded in this case on 08.04.2021 and since then he is in custody in connection with present case.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

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 Sessions Judge-II cum



Excise Court, Vaishali at Hajipur in connection with Hajipur
Sadar P.S. Case No. 361 of 2021, Excise G.R. Case No. 462 of
2021, subject to the following conditions:-

1. Both the bailors shall be the resident of
territorial jurisdiction of the learned court below.

2. 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.

3. 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.

4. 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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