

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39207 of 2020**

Arising Out of PS. Case No.-205 Year-2020 Thana- NAVINAGAR District- Aurangabad

Shakti Singh alias Shakti Kumar Singh, son of Manoj Singh, Resident of  
Village- Rampur, P.S.- Nabinagar, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                         |
|--------------------------|---|-------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Krishna Prasad Singh, Sr. Advocate<br>Mr. Bhaskar Shankar, Advocate |
| For the Opposite Party/s | : | APP                                                                     |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      08-02-2021                      Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in connection with General  
Registration No.858 of 2020 arising out of Nabinagar P.S. Case  
No.205 of 2020 registered for the offence punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act.

5.760 litres of whisky and 12 litres of beer is alleged  
to have been recovered from the house of the petitioner. The  
statement of the petitioner has been recorded and based on the  
same, 613.74 litres liquor has allegedly been recovered from co-  
accused Mahavir Singh's house.

It is submitted by Mr. Krishna Prasad Singh, learned  
Senior Counsel for the petitioner that the recovery if at all, is



from the joint property, for which the petitioner cannot be held liable. There is no forensic opinion to support the allegation that the recovered substance is intoxicant. There is no compliance of Section 100 Cr.P.C. and the petitioner is in custody since 06.09.2020, having no criminal antecedents.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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-VII-cum-Special Judge, Excise, Aurangabad, in connection with General Registration No.858 of 2020 arising out of Nabinagar P.S. Case No.205 of 2020, subject to the following conditions:

(i) That 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 the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be



cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

PNM

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

