

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7788 of 2021**

Arising Out of PS. Case No.-329 Year-2019 Thana- PANCHRUKHI District- Siwan

UMA SINGH, son of Late Bira Singh, Resident of Village- Chaumukha, P.S.-
Pachrukhi, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 03-08-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Shantanu Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Pachrukhi P.S. Case No. 329 of 2019 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that as per
the prosecution story, on secret information, the Police reached at
the given place where on seeing the Police five persons present at
the Bathan managed to escape. It is further alleged that on search
of Bathan of this petitioner 2211.84 liters of illicit liquor have been

recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no independent witness to the seizure. The petitioner is in custody since 19.08.2020 having no criminal antecedent.

Mr. Shantanu Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that the recovery of 2211.84 litres of illicit liquor has been allegedly recovered from the Bathan of the petitioner, the petitioner is in custody since 19.08.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail **after completion of one year of custody** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum- Special Judge, Excise, Siwan in connection with Pachrukhi P.S. Case No. 329 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the

conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.