

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5547 of 2021**

Arising Out of PS. Case No.-234 Year-2016 Thana- CHAUSA District- Madhepura

SUNIL SINGH, Son of Khantar Singh, Resident of Village-Khopariya, P.S.-
Chausa, District-Madhepura. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
		Mr. Pawan Kumar, Advocate
For the Opposite Party/s	:	Ms. Renu Kumari, A.P.P.

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

6 16-08-2021 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 Ms. Renu Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chausa P.S. Case No. 234 of 2016 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in this case on the basis of the confessional statement of co-accused Sant Lal Singh. This petitioner was not arrested on the spot and nothing incriminating has been recovered from his possession.

Learned counsel further submits that the motorcycle

seized by the Police on the spot does not belong to this petitioner. He is in custody in connection with the present case since 21.08.2020.

Ms. Renu Kumari, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned A.P.P. submits that when the raid was conducted and Sant Lal Singh was arrested by Police, this petitioner was also there in the Bolero vehicle, he fled away taking advantage of the darkness. From the kind of arms and ammunitions recovered from the apprehended accused, the allegation that all the accused persons whose name have been disclosed by Sant Lal Singh were going to commit dacoity are to be taken seriously.

Learned A.P.P. submits that when the place belonging to this petitioner was searched some illicit liquours were also found there. This petitioner has got nine criminal antecedents and perusal of the case diary shows that the petitioner did not surrender in this case. For about four years, he was evading arrest and when he was arrested in connection with another case, Police has taken him on remand on 17.08.2020. So far as the bail granted to the co-accused is concerned, they were granted bail in the year 2017 itself and the order passed by learned coordinate Benches would show that the Hon'ble Court was not informed of any criminal antecedent of the co-accused.

Considering the facts and circumstances of the case, the disclosure of name of this petitioner by the apprehended accused, recovery of the arms and ammunitions from the possession of the co-accused with whom the petitioner was also in the vehicle and then nine criminal antecedents of the petitioner coupled with the fact that the petitioner did not surrender for four years and it appears from the disclosure of the criminal antecedents that the petitioner was involved in several cases in the year 2016 but he was evading arrest, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial be expedited.

The learned trial court is directed to proceed with the trial as early as possible and conclude the same preferably within a period of nine months from the date of start of physical functioning of the court.

If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.