

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6068 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- CHAND District- Kaimur (Bhabua)

ASHOK SINGH Son of Late Indradev Singh @ Indrajeet Singh Resident of
Village Bahuara, P.S. Chand District - kaimur at Bhabhua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Chand P.S. Case No. 111 of 2020 corresponding to Excise Case No.600 of 2020 registered for the offence punishable under Sections 414, 419, 420, 467, 468, 469 of the IPC and Section 30(a) of the Excise Act.

The prosecution case is that the above named accused petitioner is in possession of a stolen motor cycle and using the



same to smuggle illicit liquor, a police team raided the house of the said petitioner and recovered a motor cycle. It has been further stated in the F.I.R. that the Chasis number of the said vehicle had been tampered with and the number visible only was MBLHA10 with Engine No. HA10FTEHM34012. Further on the said motor cycle a police logo was printed on the number plate. That on questioning the petitioner was unable to account for the said vehicle.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner being 67 years old, has been implicated in false case of theft of Motorcycle which was recovered beyond the boundary of "Dalan" of the petitioner to which the petitioner has no concern. There is violation of Section 100 Cr.P.C. since the seizure witness are foreigner and outsider having no identification of village. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 26.08.2020.

Learned counsel for the State opposed the prayer for bail.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) cum Additional Sessions Judge V at Kaimur at Bhabhua, in connection with Chand P.S. Case No. 111 of 2020 corresponding to Excise Case No.600 of 2020.

(Anjani Kumar Sharan, J)

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