

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7200 of 2021**

Arising Out of PS. Case No.-377 Year-2020 Thana- ARWAL District- Jehanabad

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BALBINDRA SINGH SON OF CHARANJIT SINGH R/O VILLAGE-
DODA SODAGAR, P.S.- TALBANDI CHODHARI, DISTRICT-
KAPOORTHALA (PUNJAB). Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2021 Learned counsel for the petitioner undertakes to remove all

the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anil
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Arwal P.S. Case No. 377 of 2020 registered for the
offences punishable under Section 30(A) of Bihar Prohibition and
Excise Act.

Learned counsel for the petitioner submits that as per the
prosecution story, on the basis of a secret information the informant
conducted vehicle checking at NH 139 and in that course stopped
one pickup vehicle and apprehended Balbindra Singh and Simarjeet
Singh. On search the informant recovered total 317 litres of foreign
liquor from the said vehicle.

Learned counsel submits that the petitioner is innocent and



has falsely been implicated in the present case. It is further submitted the petitioner has no criminal antecedent and he is in custody since 16.11.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances wherein this petitioner is said to be the driver of the pickup vehicle from which 317 litres of English wine has been recovered, the petitioner has remained in jail in connection with the present case since 16.11.2020, prior to the present case the petitioner had no criminal antecedent, investigation against him is complete, further incarceration of the petitioner is not likely to come in aid of investigation or prosecution, at this stage there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge (Excise), Jehanabad in connection with Arwal P.S. Case No. 377 of 2020, one of the bailors would be a local resident having sufficient immovable property within the jurisdiction of the learned trial court, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

And further condition that the petitioner shall attend the trial on each and every date fixed in the matter and two consecutive defaults in putting appearance in course of trial shall lead to cancellation of bail of the petitioner by the learned court below.

The application stands allowed.

(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'

