

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7913 of 2021

Arising Out of PS. Case No.-279 Year-2016 Thana- BARHARA District- Bhojpur

Chhote Singh, S/O Bachcha Singh, R/O Village-Neknam Tola, P.S-. Barahara,
District-Bhojpur at Ara

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Excise
Case No.556 of 2017 arising out of Barahara P.S. Case No.279
of 2016 registered for the offence punishable under Section
272/273 of the Indian Penal Code and Section 47, 54, 57 of the
Bihar Excise (Amendment) Act.

427.5 litres illicit liquor has been recovered from a



boat on the river bank. One Amar Kumar Singh was arrested at the time and place of recovery. He has stated the petitioner's name as the partner and that together they are involved in the trade of illicit liquor.

Petitioner's counsel submits that based on confessional statement of co-accused, having no evidentiary value, petitioner has been implicated in this case. Even as per the FIR, he has not been arrested with the illicit liquor. The petitioner upon his remand in this case, is in custody since 05.09.2020. There is no recovery of any incriminating material from the petitioner. He is also stated to be having criminal antecedents as per details contained in paragraph 3 of the bail petition.

Learned APP for the State has opposed the prayer for bail.

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 court of learned 4th Additional Sessions Judge cum Special Judge (Excise), Bhojpur, Ara, in connection with



Excise Case No.556 of 2017 arising out of Barahara P.S. Case No.279 of 2016, 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)

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