

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9033 of 2021

Arising Out of PS. Case No.-533 Year-2020 Thana- SHERGHATI District- Gaya

NIWASH SINGH SON OF PATI SINGH @ KAMESHWAR SINGH R/O
VILLAGE- KAMAT, P.S- SHERGHATI, DISTRICT- GAYA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jharkhandi Upadhyay, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Sherghati PS Case No. 533 of 2020 registered under Section 33(a) of Bihar Prohibition and Excise Act, 2016 .

29.700 liters of country made liquor has allegedly been recovered from the shop situated along with house of the petitioner.

It is submitted by learned Counsel for the petitioner that the shop was accessible to one and all and therefore criminal liability cannot be fastened upon the petitioner. There is only one criminal antecedent against the petitioner of the year 2016 mentioned in para 3 in which he is on bail. Recovery is not in accordance with law. Petitioner is in custody since 14.10.2020.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Gaya in Sherghati PS Case No. 533 of 2020 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.

(Madhuresh Prasad, J)

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