

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2983 of 2022

Arising Out of PS. Case No.-762 Year-2021 Thana- SARAIYA District- Muzaffarpur

ASHWINI KUMAR SINGH @ ASHWANI KUMAR SINGH Son of Late
Bindeshwar Singh Resident of Village- Ramkurwa Marwapakar, P.S.- Saraiya,
District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Adv.

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for

the offence under Sections 272, 273, 34 of the Indian Penal

Code and Section 20 and 22 N.D.P.S. Act and Section 30(a) of

the Bihar Prohibition and Excise Act.

Recovery is of 63 liters of foreign liquor and

altogether 160 Grams Ganja.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, no illicit liquor has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the house of the petitioner. He further submits that the petitioner has been apprehended in this on the basis of suspicion only. He further submits that so far as recovery of 160 gram Ganja is concerned, the alleged quantity comes under the purview of small quantity. The petitioner is rotting in judicial custody since 14.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Saraiya P.S. Case No. 762 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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