

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7294 of 2022

Arising Out of PS. Case No.-136 Year-2018 Thana- BANIAPUR District- Saran

Munna Singh S/O Suresh Singh R/o village- Senduar, P.S.- Janta Bazar,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the State : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-07-2022 Heard learned counsel for the parties thorough
virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Baniapur
P.S. Case No. 136 of 2018 registered for the offence under
Sections 30(a) and 30(e) of the Bihar Prohibition and Excise
Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.12.2021.

The allegation against the petitioner is to run away
from the place of occurrence, where there was a recovery of
2645.100 liters of English wine from a truck.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced on the basis of disclosure made by co-accused, namely, Vivek Kumar who was apprehended on the spot. It has also been submitted that in furtherance of the said disclosure, nothing has been recovered from the conscious physical possession of the petitioner. It has further been pointed out that petitioner is also involved in nine other criminal cases out of which three cases are of excise and petitioner is on bail in six of them. It has been submitted that charge-sheet has already been submitted in this case , as such, there is no chance of tampering of evidence. While concluding the argument it has been submitted that similarly situated co-accused persons have already been granted bail by one of the Co-ordinate Bench of this Court through Cr. Misc. No. 38327 of 2018, 41081 of 2018, 52115 of 2018, 40565 of 2018 and 51995 of 2018 dated 11.07.2018, 16.07.2018, 26.09.2018, 10.07.2018 and 20.09.2018 respectively.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that nothing incriminating recovered from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as there is no recovery of illicit liquor from the conscious



physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Baniapur P.S. Case No. 136 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Saran, Chapra, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Shalu Kumar Singh, who is the brother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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