

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7331 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. JITENDRA KUMAR SINGH, S/O CHANDRAMA SINGH R/o village- Bal Nawada, P.S.- Rasulpur, District- Saran
 2. SURYA PRAKASH PRASAD @ SURAYA PRASAD @ SURYA PRAKASH S/O DILIP PRASAD R/o village- Bal Nawada, P.S.- Rasulpur, District- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioners, who is are custody since
18.01.2021, seeks regular bail in connection with Excise Case
No. C-III 34 of 2021, for the offence punishable under Sections
30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Earlier, the petitioners had filed Criminal
Miscellaneous No. 42404 of 2021, however, the same was
withdrawn due to incorrect information given by the Pairvikar



of the aforesaid bail application in paragraph No.3. This Court after considering the fact that neither the learned counsel for the petitioner nor the petitioner, who is in custody, has made any deliberate statement knowingly or willingly to obtain a favourable order as such the petitioner was directed to file a fresh application giving details of the case against him.

Learned counsel appearing on behalf of petitioner submits that the present bail application has been filed giving the correct information and nothing has been suppressed from this Court and hence, the same may be heard on merits.

The prosecution case, in brief, is that altogether 169 litres of illicit foreign liquor was recovered from the Maruti Suzuki Alto 800, bearing registration No. DLA9CK-1879. The petitioner was apprehended on the spot by the raiding team. The petitioner No.1 is the driver of the said vehicle and petitioner No.2 is his associate.

Learned counsel appearing on behalf of the petitioners submits that the owner of the aforesaid vehicle is one Abhishek Kumar Singh, son of Priyaranjan Singh, resident of housing No. 252D, Madhu Vihar Nagar, New Delhi and in this regard, he has made specific statement in paragraph No.8 of the present application. The petitioner was directed to deliver the goods to



some unknown person, who was to receive them, however, at the said place, the excise raiding team seized the vehicle and apprehended the petitioners, who are innocent. He further submits that petitioners are in custody since 18.01.2021. He further submits that only one case is pending against petitioner No.1, while petitioner No.2 has clean antecedent.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the above mentioned facts and circumstances of the case, the Superintendent of Police, Siwan is directed to verify the owner of the vehicle bearing registration No. DLA9CK-1879 from the District Transport Officer, Siwan and submit a report before the learned Court below for taking necessary legal action. The learned Court below after verifying that the petitioners are not the owner of the vehicle nor the same has been transferred in the name of petitioners, the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Siwan in connection with Excise Case No. C-III 34 of 2021, subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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