

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10674 of 2022

Arising Out of PS. Case No.-438 Year-2021 Thana- SITAMARHI District- Sitamarhi

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NAGENDRA SINGH SON OF LATE MURARILAL SINGH R/O
VILLAGE- BARIYARPUR, P.S. AND DISTRICT- SITAMARHI- 843302

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Sitamarhi
P.S. Case No. 438 of 2021 registered for the offence under
Sections 30(a) and 36 of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.12.2021.

The allegation against the petitioner is to have in
possession of 1777.5 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery is made from the house of the petitioner,



which jointly occupied by the other family members, as such, it cannot be said that the same has been recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent. It has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. While concluding the argument, it has been submitted that mandatory provision of Section 100 of Cr.P.C. was not complied with, while preparing seizure list.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from the house of the petitioner, which jointly occupied by the family members of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has been made from the house of the petitioner, which jointly occupied by the family members of the petitioner, petitioner is man of clean antecedent 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 Sitamarhi P.S. Case No. 438 of 2021 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 District and Sessions Judge-II-cum-Special
Judge (Excise), Sitamarhi, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Navin Kumar, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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