

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10564 of 2022

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

Uday Kumar, Son of Kailash Singh R/o Village - Bariyarpur, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Jha, Adv.

For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-05-2022 Heard learned counsel for the parties.

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

The petitioner is in judicial custody in connection with Sitamarhi P.S. Case No.438/2021 instituted under Sections 30(a)/36 of the Bihar Prohibition and Excise Act.

The allegation in the FIR is that the police upon information raided the house of Nagendra Singh where his wife was trying to hide something. Upon search, altogether 1777.500 liters of Nepali Saufi wine was recovered/seized. The lady Samrekha Devi wife of Nagendra Singh was taken into custody and she further disclosed that her husband is in the said business along with co-accused Amresh Singh and the consignment had just arrived from Nepal. She further gave the name of her husband's associates and in the process name of the petitioner



cropped in. Accordingly, the petitioner came into judicial custody and is in jail since 24.12.2021 (as stated in para-8 of the bail application).

Learned counsel for the petitioner submits that Samrekha Devi who was arrested from the spot has since been released on bail by a co-ordinate Bench of this Court vide Cr. Misc. No.46544/2021 on 10.12.2021 (Annexure-2 of the bail application).

Considering the fact that the petitioner was not arrested from spot but has been named by co-accused, is in custody since 24.12.2021 and has clean antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, the bail application shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Sitamarhi P.S. Case No.438/2021 to the satisfaction of learned Special Judge, Exclusive Excise Court, IInd, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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