

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10832 of 2022

Arising Out of PS. Case No.-531 Year-2021 Thana- SARAIYA District- Muzaffarpur

Prem Shankar Singh @ Tunna Singh Son Of Vishwanath Singh, R/O Village-Berua, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-06-2022 Learned counsel for the petitioner fairly submits prior to argument that there is one more case in which petitioner's name has figured. He seeks permission to add the case number in the main petition.

Permission is granted to learned counsel for the petitioner to add the name in paragraph no.3 of the petition in course of the day.

Heard counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 531 of 2021 lodged under Sections 272/273/34 of the Indian Penal Code, 1860 read with Section 30(a) of Bihar Prohibition and Excise Act with Amendment.

As per the allegation made in the F.I.R., the total recovery of 1491.480 litres of Indian made foreign liquor was made in this case.

Learned counsel for the petitioner submits that charge sheet has already been filed in this case and petitioner is in custody since 28.01.2022. On the point that the petitioner has criminal antecedent and he is involved in five similar type of cases, learned counsel for the petitioner submits that he is ready to file an affidavit before the court that he shall not involve in such type of activities in future.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts that charge sheet has already been filed in this case and petitioner is in custody since 28.01.2022, let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court no.II, Muzaffarpur in connection with Saraiya (Jaitpur O.P.) P.S. Case No.531 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

The application stands disposed of.

(Dr. Anshuman, J)

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