

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16461 of 2022**

Arising Out of PS. Case No.-168 Year-2021 Thana- MAJORGANJ District- Sitamarhi

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Amit Singh @ Bhutta Singh @ Bhuttwa Singh Son of Sudhir Kumar Singh @  
Sudhir Singh Resident of Village - Kuari Madan, P.S.- Majorganj, District -  
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      15-07-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through 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  
Majorganj P.S. Case No. 168 of 2021 registered for the offence  
under Sections 414, 272 and 273 of the Indian Penal Code and  
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 08.09.2021.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of 72



litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery has been made from jointly occupied motorcycle, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in two other similar nature of case, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from jointly occupied motorcycle.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Majorganj P.S. Case No. 168 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 Exclusive Special Excise Court No. 1,  
Sitamarhi/concerned court, subject to the following conditions:

*“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, 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 Sudhir Kumar Singh @ Sudhir Singh, who is the father of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S.Sen/-

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