

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23393 of 2022

Arising Out of PS. Case No.-202 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Ganesh Singh @ Ganesh Kumar Singh @ Bogan Son of Pursushottam Singh
Resident of Village - Sakhmohan, P.s.- Vibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Mukesh Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bibhutipur P. S. Case No. 202 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a secret information that some persons are found



involved in loading and unloading of the illicit wine, raided the place of occurrence and one Pick-Up Van, one motorcycle and two cars were seized. On search being made 4434.00 litres foreign liquor was recovered. It is further alleged that on seeing the Police Party some persons fled away from the place of occurrence and the petitioner and others were recognized by the Choukidar and the local people.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that so far the seized vehicles are concerned, they do not belong to the petitioner and the petitioner has no concern with the alleged recovered illicit wine. It is next submitted that the persons, who were also identified by the Choukidar and the local people, have been granted bail by different Benches of this Hon'ble Court. The copies of which have been brought on record by way of annexure 2 and 2 series to this application. It is lastly submitted that only because of the past antecedent of the petitioner, his name has been implicated in the present case and the petitioner is in custody since 15.04.2021.

On the other hand, learned APP for the State



opposes the bail application and submits that the petitioner was identified by the Choukidar and the local people while he was fleeing away from the place of occurrence and he has found involved in five criminal cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner and moreover, other co-accused persons having similar allegation have been granted bail by different Benches of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court 1st Samastipur in connection with Bibhutipur P. S. Case No. 202 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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