

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23494 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- BANIAPUR District- Saran

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NISHAN SINGH Son of Jeet Singh Resident of Village - Razpura, P.S. - Razpura, District - Patiyala (Punjab).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 20-05-2022 The applicant/accused in Crime No.164 of 2021 registered with Police Station-Baniyapur for the offences punishable under Sections 420, 414 of the Indian Penal Code and 30(a), 41(I) (II) of the Bihar Prohibition and Excise Act, by this application is seeking his release on bail during the pendency of the trial.

Heard both sides.

The learned counsel appearing for the applicant argued that there is no iota of evidence against the applicant to implicate him in the crime in question. The truck in question is not owned by him.

Upon repeatedly asking the learned A.P.P. as to what is the evidence against the applicant, he only replied that the applicant confessed the crime before the police and he is having



criminal antecedents.

I have considered the submissions so advanced and also perused the materials placed before me.

Police intercepted a ten wheeler truck after receiving information that the illicit liquor is being transported in that truck. The truck was found to be containing 2808 liters illicit liquor. It was being driven by one Mohindar Singh. Police questioned that driver and his confession is also reflected from the F.I.R. The said driver told that the truck is owned by the present applicant.

Despite repeated questions, the learned A.P.P. is not in a position to tell whether the applicant is the owner of the truck and what material is collected by the prosecution showing that the truck is owned by the applicant. No evidence against the applicant is pointed out to this Court. In this view of the matter, though the applicant is having some criminal antecedents, further pretrial detention of the applicant is not warranted after filing of the chargesheet. Hence, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.164 of 2021 registered with Police Station-Baniyapur for the offences punishable under Sections 420, 414 of the Indian Penal Code



and 30(a), 41(I) (II) of the Bihar Prohibition and Excise Act, be released on bail on executing P.R. bond of Rs.50000/-(Rupees Fifty Thousand) and on furnishing two local sureties of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only



after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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