

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25615 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

SITA RAM SINGH S/o Ram Avtar Singh Resident of Village- Hussaina
Khurd, Police Station Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Industrial Area P.S. Case No. 120 of 2021 registered for the alleged offences under Sections 420, 467 and 468 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the recovery of 7366.320 liters of India made foreign liquor was made from five vehicles and the petitioner is stated to be the owner of one such vehicle.

Learned counsel for the petitioner submits that the



petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The petitioner sold his vehicle on 16.07.2020 to Saroj Kumar and after the date of sale of this vehicle, all liabilities shifted to new purchaser. Without verifying the facts, the petitioner has been made accused in this case by the police. The petitioner has nothing to do with other seized vehicles or the recovery of liquor made from his vehicle. Charge sheet has been submitted in this case and the petitioner is in custody since 12.02.2022.

Learned APP opposes the prayer for bail of the petitioner submitting that huge quantity of illicit liquor has been recovered from a number of vehicles and the petitioner has got criminal antecedent.

Having regard to the submission made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been shown to be recovered from his possession and also considering his submission that he sold the vehicle to some other person prior to seizure and further considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court



No. 1-Cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 120 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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