

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29509 of 2022

Arising Out of PS. Case No.-211 Year-2020 Thana- SHYAMPUR BHATHA District- Sheohar

Abhishek Singh @ Abhishek Kumar Singh, Son of Chandra Kishore Singh @ Chandrakhet Singh, Resident of Village- Delho, P.S.- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Rahul Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vinod Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Shyampur Bhataha P.S. Case No. 211 of 2020 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on an information that some persons are carrying illicit liquor on a



motorcycle tried to intercept, however, the petitioner left the motorcycle on road and fled away. On search being made 40 litres of Desi Chulai liquor was recovered from the motorcycle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a College student and in fact the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession, but only on account of some altercation took place between the petitioner and the police, his name has been implicated in this case and the recovery has been shown from his possession. It is further submitted that apart from the other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C. So far the motorcycle is concerned, the same belongs to the father of the petitioner. It is lastly submitted that this petitioner is in custody since 31.03.2022 having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the recovery has been made from the motorcycle of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was



neither arrested at the spot nor any incriminating material has been recovered from his person or possession and so far the motorcycle is concerned, the same belongs to the father of the petitioner and the petitioner, who is a college student, is in custody since 31.03.2022 having fair antecedent, apart from the fact that investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, 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 Additional Sessions Judge-II-cum-Special Judge (Excise), Sheohar in connection with Shyampur Bhataha P.S. Case No.211 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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.

(Harish Kumar, J)

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