

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28679 of 2022

Arising Out of PS. Case No.-263 Year-2021 Thana- KHARIK District- Bhagalpur

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Anil Singh @ Anil Kumar Singh Son Of Late Janakdeo Singh R/O- Plot No.-
162, Cooperative Colony, Bokaro Steel City, P.S.- Bokaro Steel City, District-
Bokaro (JHARKHAND).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 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. Ashok Kumar Jha, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Kharik P. S. Case No. 263 of 2021

registered for the offences punishable under Section 30 (a), 36,

41 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that while

the police party was on patrolling duty, they on a secret



information, intercepted one truck bearing registration no. JH01AW-3011 and a Breza car. It is also alleged that several persons were found engaged in loading and unloading of liquor. On search, total 2661.750 litres Indian made foreign liquor was recovered. It is further alleged that the entire illicit liquor was come from Om Bottling Pvt. Ltd., Jharkhand and the petitioner is said to be owner of the said Bottling Plant.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has been disclosed at the instance of apprehended persons, as the owner of the Bottling Plant, however, he has already tendered his resignation from his post as partner of the Bottling Plant on 14.04.2021 itself. It is next submitted that even if the petitioner is said to be owner of the Bottling Plant, there is no allegation that the wine has been brought to the State of Bihar in connivance of the petitioner in as much as he was nothing to do with the transportation of the wine. It is also submitted that save and except the allegation that the petitioner being owner of the Bottling Plant, which is situated in Jharkhand and the manufacturing of the wine is not prohibited there, there is no material constituting any offence against him.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that from the materials available on record, the connivance of the petitioner, who is the owner of the Bottling Plant can not be ruled out.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner being owner of the Om Bottling Pvt. Ltd., which is situated in Jharkhand where manufacturing of wine is not prohibited and moreover, the petitioner is in custody since 05.04.2022 and the investigation of the crimes is already completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise 1st Bhagalpur in connection with Kharik P. S. Case No. 263 of 2021, 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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