

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28379 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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BAULA SINGH @ RAJ KUMAR SINGH S/o Shri Sulendra Mahto R/o
village- Nayagaon, (Kota), P.S.- Darigaon, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate.
For the Opposite Party/s : Mr. Raj Kishore Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Shankar Kumar, 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 Excise Case No. 240 of 2021 registered
for the offences punishable under 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, conducted a raid and on search,
178.350 litres Indian made foreign liquor was recovered from a
maize field. During the course of investigation, the local



villagers disclosed the name of the petitioner.

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. It is further submitted that the maize field from where recovery has been made does not belong to the petitioner and only because of the past two criminal antecedent of similar nature, the name of the petitioner has been implicated in this case. It is next submitted that there is various infirmities in preparation of seizure list and save and except the suspicion there is no other material against the petitioner. It is also submitted that the petitioner himself surrendered on 17.02.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

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 and moreover, the maize field from where recovery has been made does not belong to the petitioner, 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 Additional Sessions Judge, 2nd-cum-Special Judge, Excise-I, Rohtas at Sasaram in connection with Excise Case No. 240 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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