

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37468 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

NIRMAL SINGH, S/o- Sarjit Singh, R/o Village- Pindmin Sah Tahsil, P.S.-
Turi, District- Sangrur, State- Punjab.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Anant Kumar-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-02-2022 Heard learned counsel for the petitioner and Mr.
Anant Kumar-1, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Industrial Area P.S. Case No. 60 of 2021 registered for the offences punishable under Sections 420, 467, 468 of the Indian Penal Code and Section 30(a), 36, 41(i) of the Bihar Prohibition & Excise Act. He is in custody since 15.03.2021 having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that the petitioner being a Khalasi on the truck in question was not aware of what were loaded on the truck and under bonafide belief he was accompanying the driver in order to earn his livelihood. Learned counsel further submits that the petitioner has no criminal antecedent and if released on bail the petitioner



is ready to provide one local bailor who is a permanent resident of the State of Bihar having sufficient means. This will ensure his presence in course of trial.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but save and except the fact that the petitioner was a Khalasi on the truck no other material has been placed before this court. It is submitted that petitioner has no criminal antecedent.

In the given facts and circumstances of the case where this petitioner is said to be a Khalasi on the truck and has been arrested in this case on 14.03.2021 and he is in custody since 15.03.2021 having no criminal antecedent, this Court directs that upon framing of charge in the present case the petitioner shall be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 60 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

Further condition that the petitioner shall provide one local bailor who is a permanent resident of the State of Bihar



having sufficient means and the learned court below, being satisfied with the credibility of the said bailor, accept the bail bond of the petitioner.

And further condition that 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 cancellation 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.

(Rajeev Ranjan Prasad, J.)

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