

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28814 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- BARHARA District- Bhojpur

Nand Bihari Singh @ Chhote Singh S/O Basant Singh R/O Village- Sinha,
P.S.- Barahara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Adv

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Barahara P.S. Case No 198 of 2022 for the offences punishable under Section 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2016.

As per the prosecution case, it is alleged that while the police party was on patrolling duty intercepted the petitioner, who was coming on motorcycle and on search total 30.75 liters of Indian made foreign liquor was recovered from the sack.



Learned counsel for the petitioner submits that nothing incriminating has been recovered from person or possession of the petitioner and only on account of suspicion petitioner has been implicated in this case. There is no compliance of Section 100 of the CR.P.C at the time of preparation of seizure list. It is next submitted that petitioner is in custody since 15.03.2022 and though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that nothing incriminating material has been recovered from person or possession of the petitioner and is in custody since 15.03.2022 and investigation of the crime is concluded and the charge sheet has been submitted. There is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Judge, Excise Bhojpur at Ara in connection with Barahara P.S.Case No.198 of 2022 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 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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