

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39105 of 2021

Arising Out of PS. Case No.-203 Year-2021 Thana- DARIYAPUR District- Saran

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MONCHU @ MOCHHU @ BYASJEE @ VYAS JEE @ BISHWAMOHAN
SINGH @ BISMOHAN SINGH Son of Ganesh Singh Resident of Village-
Banauta, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-01-2022 Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

Petitioner who is in custody since 30.05.2021 seeks
regular bail in connection with Dariyapur P.S. Case No. 203 of
2021 registered for the offence punishable under sections 272,
273, 420 and 120(B) of the Indian Penal Code and Section
30(a), 33, 36, 41(i) of Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief is that on getting secret
information about huge quantity of spirit loaded on a vehicle, a
raid was conducted by the officials of the Excise Department
and altogether 5200 litres of illicit spirit was recovered from the
truck bearing registration no. BR-06G9379.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has been made accused in the present case on the basis of confessional statement of co-accused Pramod Kumar, the driver of the said vehicle and no recovery was made in presence of the petitioner. He was neither handed over the seizure list nor it was prepared in his presence. He further submits that the petitioner has no concern with the seized truck or the liquor. The petitioner has got no criminal antecedent and he is in custody since 30.05.2021.

Learned counsel for the State has opposed the prayer for grant of bail to the petitioner.

Having considered the facts and circumstances of the case, it appears that no case is made out against the petitioner whereas the recovery is from the truck bearing BR-06G9379, which does not belong to the petitioner, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 3,00,000/- (Three lakh) with two sureties of the like amount each to the satisfaction of learned 2nd Additinal Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 203 of 2021 subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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