

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38718 of 2021**

Arising Out of PS. Case No.-278 Year-2020 Thana- DARIYAPUR District- Saran

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AJAY SINGH @ AJAY KUMAR SINGH S/O LATE RAM CHANDRA
SINGH R/O VILLAGE-SAIDPUR, P.S-DARIYAPUR, DISTRICT-SARAN
AT CHAPRA (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-01-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 16.06.2021 seeks
regular bail in connection with Dariyapur P.s. Case No.278 of
2020 registered for offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief, is that 54 liters of English
wine was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that though the petitioner has been made accused in
several other cases for offence punishable under Section 30(a)
of Bihar Prohibition and Excise Act, 2016, but so far present



case is concerned he submits that the petitioner is innocent and has falsely been implicated in the present case. He submits that petitioner is not arrested at the place of occurrence, rather his name was surfaced on the basis of confessional statement of co-accused..

Learned counsel appearing for the State submits that taking into consideration the crime history of the petitioner who is involved in illicit trade of liquor, the petitioner do not deserves to be released on bail.

Considering the above-mentioned facts and circumstances as well as the antecedent of the petitioner and taking into account that in the present case nothing was recovered from the conscious possession of the petitioner, it is directed that the court below after verifying the criminal antecedent of the petitioner and on being satisfied release the petitioner on furnishing bail bond of Rs.5,00,000/-(Rupees Five Lacs) with two sureties of the like amount each to the satisfaction of learned Second Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No.278 of 2020, subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) One of the bailor should be the wife of the above two petitioner.

(3) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(4) 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.

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

(Purnendu Singh, J)

Prakash Narayan /-

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