

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39136 of 2021**

Arising Out of PS. Case No.-1 Year-2021 Thana- CHARPOKHARI District- Bhojpur

UMASHANKAR SINGH Son of Baliram Singh Resident of Village - Jokta,
P.S. Chandi, District - Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 04-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State through video conferencing.

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

The petitioner, who is in custody since 03.01.2021, seeks bail in connection with Charpokhari P.S. Case No. 01 of 2021 (Excise Case No. 16 of 2021), for the offence punishable under Section 420, 379/34 of the Indian Penal Code and Section 30(a)/38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 1230.12 litres of Indian Made Foreign Liquor was recovered from the house from where the petitioner and one Md. Noor



Alam were found fleeing.

Learned counsel appearing on behalf of the petitioners submits that petitioner has got clean antecedent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the physical possession of the petitioner. He further submits that petitioner is neither the owner of the house nor the owner of the vehicle from which the alleged liquor is said to be recovered.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of illicit liquor has been recovered and as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, it is directed that the learned Court below after verifying the criminal antecedent of the petitioner from the Superintendent of Police, Bhojpur at Ara and after being satisfied no criminal case or excise case is pending against the petitioner as what has been stated in paragraph No.03 of the bail petition, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Ara in connection with Charpokhari P.S.



Case No. 01 of 2021 (Excise Case No. 16 of 2021) subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper 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 petitioners.

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

(Purnendu Singh, J)

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