

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29255 of 2022

Arising Out of PS. Case No.-270 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

NIWAS SINGH @ GUJUL SINGH Son of Surendra Singh Resident of
Village - Kunj, P.S.- Roh, District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with G.O.
Case No. 270/2022 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 162 liters English wine from one brick built dilapidated
house nearby bush. The police has got secret information that
the petitioner is indulged in illegal selling of liquor after that he
was apprehended from the house.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and the recovered house does not belong to the petitioner. He further submits that the petitioner has no concern with the alleged seized liquor and he was sleeping at the house when the police arrested him at the instance of the persons inimical to him which is highhandedness of the police. The petitioner is languishing in custody since 17.03.2022 and bears criminal antecedent of one case of similar nature in which he is on bail. He further submits that seizure list has not been prepared as per law. Prosecution report has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, prosecution report has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge**, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise



Court No.-2, Nawada in connection with G.O. Case No. 270/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

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

(Alok Kumar Pandey, J)

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