

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29429 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- BAUNSI District- Banka

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Anil Singh @ Anil Kumar Singh, Son of Late Janakdeo Singh, Resident of
Plot No.162, Cooperative Colony Bokaro Steel City, Dist- Bokaro
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurabh Anand, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (App.100),

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Saurabh Anand, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bounsi P.S. Case No.142 of 2021 registered for
the offences punishable under Sections 30(a), 32 (2) of the Bihar
Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the
police on secret information that some persons are transporting
illicit liquor on a truck, intercepted the truck. On noticing the
police party, two persons, who were sitting on the truck tried to



flee away, however, they were apprehended by the police and on search 867.060 liters of illicit liquor was recovered.

The learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at spot nor any incriminating material has been recovered. It is further submitted that the petitioner has no concern with the seized truck nor with the illicit wine. It is also submitted that the petitioner is the resident of Jharkhand and earlier he was a Member of board of Directors of Company namely Shri Om Bottlers & Blenders Private Limited, his name has been implicated in this case on suspicion, though the petitioner has already tendered his resignation from the aforesaid Company on 01.04.2021 and his resignation has also been accepted. It is further submitted that the petitioner has initially been implicated in one case and side by side he has been implicated in several other cases only on suspicion. It is lastly submitted that this petitioner is in custody since 10.03.2022.

On the other hand, learned counsel for the State opposes the bail application and he submits that the petitioner has multiple criminal antecedent, inasmuch as he has named in nine other cases.

Having regard to the submissions made on behalf of



the parties and considering the fact that the petitioner was neither arrested at spot nor any incriminating material has been recovered from his conscious or constructive possession, apart from the fact that the petitioner is in custody since 10.03.2022 and moreover, the investigation of the crime is completed and the charge-sheet has been submitted. It is needless to say that the antecedent of a person cannot be a sole ground of rejection of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Banka in connection with Bounsi P.S. Case No. 142 of 2021, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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