

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29774 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- AMBA District- Aurangabad

SHAKTI SINGH @ SONU @ SHAKTI KUMAR SINGH Son of Ram
Lakhan Singh Resident of Village - Manjholia, P.S.- Amas, Distt.- Gaya,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arya Achint

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 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.

The petitioner seeks bail in connection with Amba
P.S. Case No. 34/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery of
total 2625 liters spirit from the truck in question. The petitioner
was not apprehended on the spot and on the basis of
confessional statement of co-accused, Ranjeet Kumar,
petitioner has been made accused in this case.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been made as per law. The petitioner is languishing in custody since 20.04.2022 and bears criminal antecedent of four cases in which three cases are of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Ranjeet Kumar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.50149/2021.

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 as well as period of custody, petitioner was not apprehended on the spot, charge sheet 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Aurangabad in



connection with Amba P.S. Case No. 34/2021, 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)

amitkumar/-

U		T	
---	--	---	--

