

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30773 of 2022**

Arising Out of PS. Case No.-362 Year-2021 Thana- HARSIDHI District- East Champaran

Abhimanyu Singh Son Of Nand Kumar Singh R/O Village- Balua Sohraiya,  
P.S.- Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      26-08-2022              Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Abhishek Kumar, learned counsel for the petitioner as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Harsidhi P. S. Case No. 362 of 2021 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



police on a secret information that the petitioner and other accused persons are involved in the business of illicit wine and are engaged in unloading liquor from a truck, raided the place of occurrence, however, on noticing the police party all the accused persons including the petitioner fled away. On search, total 1610 litres of country-made liquor (spirit) was recovered from the truck.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that the alleged recovery has been made from a truck, which was found parked in a mango orchard of Mannu Babu and the petitioner has no concern with the truck in question and nor with the mango orchard in which the truck was parked. It is next submitted that only because of the past criminal antecedent, his name has been implicated in this case and save and except the disclosure of the name of the petitioner that too on suspicion, there is no material against the petitioner, apart from the fact that there is no compliance of Section 100 (4) Cr.P.C. It is also submitted that the petitioner is in custody since 26.11.2021.

On the other hand, learned APP for the State



opposes the bail application and submits that the petitioner has multiple criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner has neither been arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the petitioner has neither any concern with the truck nor with the illicit wine and after completion of the investigation, the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran in connection with Harsidhi P. S. Case No. 362 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Harish Kumar, J)**

shakir/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

