

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30767 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

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SABIR SINGH SON OF LATE NANHAK SINGH RESIDENT OF
VILLAGE- BHAKURA, P.S.- ARA MUFFOSIL, DISTRICT- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate.

For the Opposite Party/s : Mr. Surendra Kumar, APP.

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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. Md. Ataul Haque, learned counsel for the petitioner as well as 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 Ara Muffasil P. S. Case No. 33 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that the police, on a confidential information that in village Bhakrura, the F.I.R. named accused persons kept foreign liquor at the



Government land, raided the place of occurrence, however, on noticing the police party both the accused person succeeded in fleeing away and on search, total 10.620 litres Indian made foreign liquor was recovered.

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 and moreover, the alleged recovery has been made from a Government land, which is accessible to all. It is further submitted that only because of one past criminal antecedent of the petitioner, his name has been implicated in this case. It is next submitted that the petitioner is in custody since 08.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the petitioner is in custody since 08.04.2022 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 Exclusive Special Excise Court no. 1st, Bhojpur, Ara in connection with Ara Muffasil P. S. Case No. 33 of 2022, 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)

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