

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39747 of 2021

Arising Out of PS. Case No.-278 Year-2020 Thana- DARIYAPUR District- Saran

Sanjay Kumar Singh Son of Late Ram Chandra Singh Resident of Village-
Saidpur, P.S.- Dariyapur, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nand Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 31.03.2021 seeks
bail in connection with Dariyapur P.S. Case No.278 of 2020
registered for offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief, is that altogether 58.5 liters
of country-made liquor and a TVS motorcycle bearing
registration no.BR01AA-5696 was recovered from the
conscious possession of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the possession, neither the hut from where the alleged TVS motorcycle and liquor were seized, also do not belong to the petitioner, rather the petitioner has been roped in the case on the basis of confessional statement of the co-accused, who was apprehended on the spot.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner. He has further submitted that the trade of liquor is rampant in the State of Bihar and persons like petitioner is involved in organized trade of liquor and petitioner is one of the member of the said chain and is engaged in distribution and sale of the illicit liquor.

Having considered the rival submissions of the parties and prima-facie nothing was recovered from the conscious possession of the petitioner, neither the alleged recovery was made from the hut of the petitioner. Petitioner has made specific statement that the said TVS motorcycle is registered in the name of some other person the court below is directed to after verify the owner of the motorcycle, if the said TVS motorcycle is not registered in the name of the petitioner, the petitioner, above named, be released on bail on furnishing bail bond of



Rs.2,00,000/-(Rupees Two lacs only) with two sureties of the like amount each to the satisfaction of learned Second Additional Sessions Judge-cum-Special Judge, Excise, Chapra, Saran in connection with Dariyapur P.S. Case No.278 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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

