

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29662 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

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Anil Singh @ Anil Kumar Singh S/O Late Janakdeo Singh Resident of Plot
No. 162, Cooperative Colony, Bokaro Steel City, District- Bokaro
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-08-2022 The matter has been heard *via* Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 272,
273/34 of Indian Penal Code and Sections 30(a), 36 and 41 (I)
of the Bihar Prohibition and Excise Act.

Allegation is of recovery of 90 liters foreign liquor
from Swift Desire car bearing Reg. No. JH01CV-4645.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has no concern with the seized
liquor. It is submitted that mandatory provision of Sub-section 2
of Section 74 and Section 82 of the Bihar Prohibition and



Excise Act with respect to search and seizure have not been followed. Further, it is stated that the petitioner is not named in the F.I.R and his name transpired in this case only on the basis of confession in another case. It is also stated that the petitioner is neither owner nor driver of the said car. It is further submitted that the petitioner is in custody since 30.04.2022 and has antecedent of 8 cases.

Learned A.P.P for the State opposes the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Malaypur P.S. Case No. 85 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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