

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40330 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

BRAJ KISHORE SINGH @ BRAJ KUMAR SINGH @ BHULAN SINGH
S/o Chandradeo Singh R/o village- Mishrawaliya, P.S.- Jalalpur, District-
Saran Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-01-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 14.12.2020, seeks
regular bail in connection with Muffasil P.S. Case No. 336 of 2020
registered for offences punishable under Sections 30(a), 38 & 41(i) of
the Bihar Prohibition and Excise Act.

Prosecution case, in brief, is that in course of patrolling,
police got secret information about storage and sale of illicit liquor at
village Naini Western Tola, a raid was conducted, however, after
seeing the police jeep, two persons fled away from the spot taking
advantage of darkness of night near the community hall from where
1409 litres of illicit liquor was recovered. Seizure list was prepared in
presence of two witnesses.



Learned counsel appearing on behalf of the petitioner submits that the application for grant of bail was earlier rejected mainly on the ground that petitioner has suppressed his criminal antecedent. In this regard, he has filed supplementary affidavit specifically mentioning therein that altogether only eleven cases are pending against the petitioner and the I.O. has given incorrect information in paragraph No. 44 of the case diary. He submits that he has made a specific statement that the cases mentioned in paragraph No. 3 of the present bail application are correct. He further submits that considering the period of custody of the petitioner and the alleged recovery has been made from the community hall and nothing has been recovered from the possession of the petitioner. The petitioner be released on bail.

Learned A.P.P., for the State submits that it will not be appropriate in public interest to enlarge the petitioner on bail against whom several cases are pending and as such the application for bail be rejected.

Considering the facts and circumstances of the case, and the fact that nothing has been recovered from the conscious possession of the petitioner, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Muffasil P.S. Case No. 336



of 2020 with a condition that he will tender his attendance before the local Police Station every Saturday at 9 a.m. and the concerned S.H.O. is directed to submit monthly report of attendance to the S.P., Patna and on any single default of attendance, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

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

(2) Petitioner shall cooperate 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 his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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