

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30138 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- BELHAR District- Banka

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Aghor Singh @ Nand Kishore Singh, Son of Batan Singh @ Bateshwar Singh, R/O Village- Malhatari, P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Brij Nandan Prasad, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Belhar P.S. Case No. 26 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on a secret information that the petitioner is indulged in manufacturing of illegal wine conducted raid and on search four quintals of fermented Mahua flower and 100 litres of illicit country made liquor were recovered from forest. On



interrogation, the police came to know that the illicit wine is being manufactured by the petitioner .

It is submitted by the learned counsel appearing on behalf of the petitioner 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 forest, which is accessible to all and not under the exclusive possession of the petitioner. It is further submitted that only because of one past criminal antecedent of the petitioner, his name has been implicated in this case and save and except the disclosure made by the villagers, there is no other material, which suggests the complicity of the petitioner. It is also submitted that this petitioner is in custody since 08.04.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the materials recovered from the place of occurrence belongs to the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered, apart from the fact that the alleged recovery has



been made from the forest, which is an open place and accessible to all and moreover this petitioner is in custody since 08.04.2022, apart from the fact that investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, named above, 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 Additional District & Sessions Judge-II, Banka in connection with Belhar P.S. Case No. 26 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

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

(Harish Kumar, J)

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