

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32107 of 2022

Arising Out of PS. Case No.-101 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Ajit Kumar Singh @ Aditya Narayan Singh @ Ajeet Singh, S/o Late
Rajeshwar Prasad Singh, R/o village- Aswari, P.S. - Tisiouta, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, 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 the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ram Shankar Das, learned counsel for the
petitioner and learned APP for the State through video
conference.

The petitioner seeks regular bail, who is in custody in
connection with C-2 A Case No. 101 of 2019 registered for the
offences punishable under Sections 30 (a), 32(1)(2) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information that some persons have kept illegal liquor,
raided the place of occurrence and on search from the Bathan of
the petitioner 466.560 litres of foreign liquor was recovered.



Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a Bathan, which does not belong to the petitioner. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered, however, his name has been disclosed by the police officials and local people and save and except the disclosure made by the local people, there is no material, which suggests the complicity of the petitioner. It is next submitted that apart from the other infirmities in the preparation of seizure list, there is no compliance of Section 100 of the Cr.P.C. and moreover the petitioner is in custody since 21.04.2022 though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has found involved in one another criminal case.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a Bathan, which does not belong to the petitioner and he is in custody since 21.04.2022 and the investigation of the crime is already completed and 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 Excise Court No. II -cum-Additional Sessions Judge, Vaishali at Hajipur in connection with C-2 A Case No. 101 of 2019, 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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