

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31706 of 2022

Arising Out of PS. Case No.-267 Year-2019 Thana- EKMA District- Saran

Krishna Pratap Singh @ K. P, Son of Late Ram Kishun Singh, Resident of
Village - Ekari, P.S. Ekma, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ekma P.S. Case No. 267 of 2019 registered for the alleged offences under Sections 467, 468 and 120B of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information that illicit liquor was being transported on a container truck and the said truck was intercepted and on search of it, total 2610 litres of India made foreign liquor was recovered. Co-accused Surendra Singh was apprehended from the said truck who



named one Dilawar Singh, a trader of liquor who in turn had named this petitioner along with other co-accused persons who were to receive the delivery of this illicit liquor.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. The petitioner was not present at the spot nor was he seen fleeing away from the place of occurrence. Only on the basis of disclosure made by the co-accused and even this disclosure was based on hearsay, the petitioner has been roped in this case. The petitioner is not even the owner of the container truck from which the recovery is said to be made. The petitioner is in custody since 09.03.2022 and the charge-sheet has been submitted in this case. Learned counsel further submits that though the petitioner is having criminal antecedent, but in all those cases, he is on bail.

Learned APP opposes the prayer for bail submitting that the huge quantity of liquor has been recovered from the container truck and the petitioner is stated to be a trader of illicit liquor who was to receive the delivery.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of this petitioner and further considering the period of his custody along with submission of charge-sheet, the



petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise Saran at Chapra, in connection with Ekma P.S. Case No. 267 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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