

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43965 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- PATEPUR District- Vaishali

Saroj Kumar Singh, Son of Ganesh Prasad Singh, Resident of Village-
Barbatta, P.S.- Mushrigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 07-01-2022 The applicant is given out of turn hearing because of illness of his old age father upon mentioning the fact that the applicant is the only son, who is supposed to look after his father.

The applicant/accused in Crime No. 89 of 2021 registered with Patepur Police Station for the offences punishable under Sections 30(a)/32(ii)/38(ii) and 41(i) of the Bihar Prohibition and Excise Act 2018, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that the investigation of the crime is over and the charge sheet has been filed. From four vehicles, 3693.600 litres of Indian made foreign liquor came to be seized and the co-accused has named the applicant as owner



of the Scorpio vehicle from which 172.800 litres of Indian made foreign liquor came to be seized. He submits that there is nothing to show the applicant who was present on the spot was the registered owner of the Scorpio vehicle.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious.

I have considered the submissions so advanced and also perused the material placed before me.

The applicant is behind the bars from 16.04.2021. Investigation of the crime in question is already over. He has no criminal antecedent. Hence, I see no reason to deny bail to him and therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 89 of 2021 registered with Patepur Police Station for the offences punishable under Sections 30(a)/32(ii)/38(ii) and 41(i) of the Bihar Prohibition and Excise Act 201 be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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