

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44185 of 2021**

Arising Out of PS. Case No.-305 Year-2021 Thana- DAUDNAGAR District- Aurangabad

BINOD SINGH S/o Shyamjanam Singh @ Daroga Singh R/o village-
Karmakala Bigha, Khanda, P.S.- Daudnagar, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 11-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of 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 21.06.2021 seeks
regular bail in connection with Daudnagar P.S. Case No. 305 of
2021 registered for offence punishable under Sections 30(a), 34,
36 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 484.5 litres
of country-made liquor as well as Indian made foreign liquor
was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the very seizure and lodging of the F.I.R. is



doubtful and in this regard, she has drawn the attention of this Court to the typed copy of the seizure list from which it appears that the same was prepared at the police station in absence of any independent witness. It is further submitted that the petitioner had gone to attend the marriage ceremony however, other family members of the petitioner were present in the house but the police has not endeavoured to make them witness to the said seizure list nor handed over the same to the any of the family member. She further submits that petitioner has clean antecedent and is in custody since 21.06.2021.

Learned A.P.P. has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, let the petitioner above named be enlarged on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, II-cum-Special Judge (Excise), Aurangabad (Bihar) in connection with Daudnagar P.S. Case No. 305 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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