

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37067 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- BIRPUR District- Supaul

1. LADDU KUMAR SINGH @LADDU KUMAR SON OF LATE KAILASH SINGH R/O- VILL-BIRPUR WARD NO. 5, (SATANA), P.S.- BIRPUR, DIST.- SAHARSA
2. SANTOSH SINGH @ SANTOSH KUMAR SINGH @ CHAYNIJ SON OF ASHOK SINGH R/O- VILL-BIRPUR WARD NO. 5, (SATANA), P.S.- BIRPUR, DIST.- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Learned counsel for the petitioner is permitted to make necessary correction in the petition.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Sessions Trial Excise Case No. 1264/2021 arising out of Birpur P.S. Case No. 379 of 2021 registered for the offences punishable under Sections 30(a), 37(c) of the Bihar Excise and Prohibition Act, 2016.

As per prosecution case, there is alleged recovery



of 24 litre illicit Nepali liquor behind the house of petitioner no. 2 and the apprehended co-accused Raju Kumar Singh disclosed the name of petitioners who fled away from the place of occurrence.

Learned counsel for the petitioners submits that petitioners are in custody since 03.02.2022 and 21.01.2022 respectively. Petitioner no. 1 bears criminal antecedent of two cases of similar nature and petitioner no. 2 bears two criminal antecedent of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are not apprehended on the spot. No incriminating article has been recovered from the person and possession of the petitioners. The land from where the alleged recovery has been made is an open place and the same does not belong to the petitioners.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be



released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Supaul in connection with Sessions Trial Excise Case No. 1264/2021 arising out of Birpur P.S. Case No. 379 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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