

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38180 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- KARJAIN District- Supaul

SHYAM SINGH @ SHYAM NARAYAN SINGH S/O RADHA BALLABH
SINGH Resident of village- Fakirna, Ward No.- 10, P.S.- Karjain, District-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Karjain P. S. Case No. 33 of 2022
registered for the offences punishable under Sections 30 (a), 41
(i) 37 (b) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the
police ,on a secret information, raided the house of the



petitioner, in course of search, 90 litres Indian made foreign liquor was recovered nearby the house of the petitioner. It is also alleged that the recovery of a huge consignment of illicit wine has been recovered from other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that nothing has been recovered from the person or possession of this petitioner rather the recovery has been made from a nearby house of the petitioner, which is not under the control of the petitioner. It is next submitted that co-accused Nagendra Singh from whose possession the huge quantity of illicit wine was recovered, has already been granted bail by coordinate Bench of this court in Cr. Misc. No. 36103 of 2022 vide order dated 20.08.2022. So far this petitioner is concerned, he is in custody since 30.03.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found involved in two other criminal cases.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the recovery has been made from nearby the house of the petitioner, which is not under the control of the petitioner and moreover, the petitioner is in custody since 30.03.2022, though, the



investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, 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 Additional District and Sessions Judge- II-cum-Special Judge (Excise) Supaul in connection with Karjain P. S. Case No. 33 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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