

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38443 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- ROSERA District- Samastipur

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UTKARSH SINGH @ FUZAL @ UTKARSH KUMAR Son of Tarun Singh
@ Tarun Kumar Singh Resident of village- Muradpur, P.S.- Rosera, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-08-2022 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 petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Rosera
P.S. Case No. 98/2022 (Excise G.R. No.326/2022) registered for
the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 272.250 liters foreign liquor from the mango orchard of
Ram Singh. It is alleged that two motorcycles were also
recovered from the place of occurrence. The petitioner and



others fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 24.04.2022 and bears criminal antecedent of one case in which he is on bail. Learned counsel for the petitioner further submits that the petitioner has neither concerned with the seized motorcycles nor concerned with the seized liquor. Seizure list has not been prepared as per law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise



Court-I, Samastipur in connection with Rosera P.S. Case No. 98/2022 (Excise G.R. No.326/2022), 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) Petitioner 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 petitioner tampers 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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