

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39992 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

Dinesh Singh @ Banti Singh, S/o Late Raj Kishore Singh, Resident of
village- Mahdah, P.S.- Buxar Muffasil, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ravi Shankar Pathak, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Buxar Muffasil P.S. Case No. 249 of 2021
registered for the offence punishable under Section 30(a) Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police on a secret information that some persons are engaged in
trade of illicit liquor, raided the place of occurrence, however,
two persons, who were on two motorcycles, noticing the police
party tried to flee away, but one of them was arrested. The



apprehended person disclosed the name of the petitioner and other associates. It is further alleged that on search total 242.8920 litres of illicit Indian made foreign liquor was recovered from a bush near the road.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered. However, during the course of raid, allegedly one motorcycle was seized, which is said to be in the name of the petitioner, though prior to the alleged occurrence the petitioner had already transferred the ownership in the name of the person, who was apprehended at spot. He next submits that save and except the disclosure made by the apprehended co-accused persons, there is no other material against the petitioner and, moreover, the petitioner, having fair antecedent, is in custody since 06.05.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered and so far the motorcycle, in question, is concerned, that does not belong to the petitioner and in support



of his submission, the paper showing transfer of ownership has been brought on record as Annexure 2 to the application, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise, Court No.-I, Buxar in connection with Buxar Muffasil P.S. Case No. 249 of 2021 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.

(Harish Kumar, J)

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