

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49622 of 2021

Arising Out of PS. Case No.-27 Year-20121 Thana- KOCHAS District- Rohtas

1. ASHOK SINGH @ ASHOK KUMAR SINGH Son of Late Sarifa Singh Resident of Village- Mahabirganj, P.S.- Kochas (Parsathuwa), District- Rohtas.
2. Chandra Bindu Kumar @ Chandra Bindu Singh @ Chandra Bittu Singh Son of Ashok Singh @ Ashok Kumar Singh Resident of Village- Mahabirganj, P.S.- Kochas (Parsathuwa), District- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.2, submitting that during pendency of this application petitioner no.2 has been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as



withdrawn in respect of petitioner no.2 only.

Now, this application is only with respect to petitioner no.1 only.

The petitioner no.1 apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

It is submitted by learned counsel for petitioner no.1 that no incriminating article has been recovered from the conscious physical possession of the petitioner no.1 rather 1.620 liters of foreign liquor is said to have been recovered from the poultry farm. He has no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery. Petitioner no.1 has no criminal antecedent as mentioned in para-3 of this application.

Petitioner no.1 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Bihar Kishore Nyay Nidhi, bearing Saving Bank Account No.35094613009, IFSC Code: SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna, Branch Code 153.

Having regard to the facts and circumstances of the



case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Kochas (Parasthuwa) P.S. Case No. 27 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of petitioner no.1 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00 (Rupees Ten Thousand) in the account of Bihar Kishore Nyay Nidhi.

(Anjani Kumar Sharan, J)

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