

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44720 of 2022**

Arising Out of PS. Case No.-416 Year-2020 Thana- BIRAUL District- Darbhanga

Ajit Kumar Singh @ Ajit Singh, Son of Late Visho Singh, R/O Village-  
Hanumannagar, P.S.- Biraul, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mritunjay Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      14-10-2022                      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. Mritunjay Kumar Singh, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Biraul P.S. Case No. 416 of 2020 (G.O. Excise Case No. 1463 of 2020) registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The police in course of patrolling on a secret information, intercepted a truck bearing registration no. MH42AQ-1698. On search, total 228.750 liters of Indian made



foreign liquor was recovered. It is further alleged that the person, who was driving the truck, succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession, however, only on the disclosure made by the chowkidar, his name has been implicated in this case, save and except the disclosure made by the chowkidar, there is no material suggesting the complicity of the petitioner in the present crime. He further submits that only because of his past criminal antecedent, his name has been implicated in this case on suspicion. He lastly submits that the petitioner is in custody since 19.03.2022 though the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently 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 spot nor any incriminating material has been recovered from his person or possession, however, he is in custody since 19.03.2022 though the investigation of the crime is already complete and charge-sheet has been submitted



and there is no likelihood of commencement of trial in near future, let the petitioner, named above, 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 Special Excise Court-2, Darbhanga in connection with Biraul P.S. Case No. 416 of 2020 (G.O. Excise Case No. 1463 of 2020), subject to the condition that one of the bailors will be the close relatives 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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