

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45279 of 2022

Arising Out of PS. Case No.-123 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Ashok Singh @ Ashok Kumar Singh, Son of Raj Kishor Singh, Resident of Village- Naya Tola Madhubani, P.S.- Sahebganj, District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, 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. Arun Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sahebganj P.S. Case No. 123 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a)(d), 33, 36 and 41(i) of the Bihar Prohibition and Excise Act.

The police on a secret information with regard to manufacturing and selling of illicit wine conducted raid and on search total 15.750 litres of Indian made foreign liquor and 100 litres of raw spirit was recovered. It is further alleged that other



incriminating material has also been recovered. The entire recovery has been made from the Bathan of co-accused Harendra Rai. It is also alleged that the villagers and local Chowkidar disclosed the name of the co-accused persons, including the petitioner, who succeeded in fleeing away from the spot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He next submits that from the F.I.R., it is evident that the alleged recovery has been made from the Bathan of co-accused Harendra Rai and, moreover, the petitioner, having fair antecedent, is in custody since 09.06.2022. He lastly submits that other co-accused person, having identical allegation, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 19478 of 2020 vide order dated 02.06.2020.

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 from his person or possession and co-accused person, having identical allegation, has already been granted bail by a coordinate Bench of this Court, 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 Judge (Excise), Court No.-II, Muzaffarpur in connection with Sahebganj P.S. Case No. 123 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 physically 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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