

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54503 of 2021

Arising Out of PS. Case No.-293 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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UJJAWAL SINGH @ UJJAWAL KUMAR Son of Nirmal Singh Resident of
Village - Dakarama, P.S.- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Uday Prakash Shharma, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 09.08.2021,
seeks regular bail in connection with Excise P.S. Case No. 293
of 2021 (P.R. No. 31 of 2021), for the offence punishable under
Sections 30(a), 30(c) and 36 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in brief, is that altogether
73.44 litres of Indian Made Foreign Liquor and 105 litres of
spirit and other equipment as well as raw materials used for
preparation of illicit liquor were recovered from the land.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has been roped in this case due to dirty village politics.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that from the prosecution itself that the petitioner along with other three co-accused was involved in preparing of illicit liquor. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, the Court below is directed to obtain criminal antecedent report of the petitioner from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner, as what has been stated in paragraph No.3 of the present bail



application filed on behalf of the petitioner, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. One Lakh with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 293 of 2021 (P.R. No. 31 of 2021), subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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