

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55521 of 2021

Arising Out of PS. Case No.-125 Year-2021 Thana- KARJA District- Muzaffarpur

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SUDHIR SINGH @ SUDHIR KUMAR Son of Late Umesh Singh Resident
of Village - Chhitari, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party/s : Mr. Khurshid Anwar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 18-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Sheo Kumar Prasad, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Karja P. S. Case No. 125 of 2021
registered for the offences punishable under Sections 272, 273,
414, 34 of the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police, in course of vehicle checking, intercepted two Scorpio



vehicles and also apprehended five persons and on search total 198.720 litres illicit Indian made foreign liquor was recovered from both the vehicles. It is further alleged that the apprehended person disclosed the name of the person, who was involved in trade of illicit wine.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. The name of the petitioner has been disclosed by the apprehended persons namely, Rahul Singh and save and except the disclosure made by the apprehended person, there is no other material, which suggests the complicity of the petitioner in the present crime. It is last submitted that this petitioner is in custody since 27.07.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found involved in two other criminal cases and his name has surfaced on the disclosure made by the apprehended persons.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover,



he is in custody since 27.07.2021, let the petitioner, above named, 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 Act, Muzaffarpur in connection with Karja P. S. Case No. 125 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.
- (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 step for cancelling of bail bond of the
petitioner. However, the acceptance of bail bonds
in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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