

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48646 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- PANDARAK District- Patna

RAJIV RANJAN SINGH @ BHARAT KUMAR Son of Pawan singh R/V-
Bihari Bigha, P.S- Pandarak, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Pandarak P.S. Case No. 95 of 2022 registered for the offences
punishable under Section 414 of the I.P.C. and Section 37 of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, petitioner is apprehended
on the spot and the smell of wine was coming from his mouth. It
is further alleged that one Apache motorcycle was recovered
from the possession of the petitioner and the document
regarding the same motorcycle has not been shown by the
petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 08.07.2022. Petitioner bears no criminal antecedent. He further submits that seizure list has not been made as per law. So far as recovery of the said motorcycle from possession of petitioner is concerned, it has been submitted that the said motorcycle belongs to Kundan Kumar and police personal visited his village to arrest him and when police personal failed to arrest him then due to previous enmity police has lodged case against petitioner showing recovery of motorcycle from the possession of petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of learned special Judge Excise Bench in connection with Pandarak P.S. Case No. 95 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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