

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59027 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- SINGHIYA District- Samastipur

INDAL SAHU Son of Ganesh Sahu @ Naresh Sahu R/o Village - Supaul
Bazar, Ward No. - 05, P.S.- Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shweta Kumari, Advocate.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 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), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 17.06.2021,
seeks regular bail in connection with Singhiya P.S. Case No. 92
of 2021 for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that a gang of
bootleggers named in the F.I.R. is operating and information to
that extent was received by the police party and on that
information they recovered huge quantity of liquor from the



possession of the apprehended accused and other accused persons managed to flee away.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the only allegation against the petitioner is that he was one of the aid of the main accused while nothing has been recovered from his conscious possession while he was apprehended by the police. It is the case of the petitioner that the petitioner is in custody since 17.06.2021 and as such the petitioner be released on regular bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that several criminal cases are pending against the petitioner. Petitioner is habitual offender and cases against him are registered under Bihar Prohibition and Excise Act, as such the petitioner is not entitled to be released on bail.

Considering the aforementioned facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner who was apprehended on the spot, there is no allegation of tampering with the evidence or influencing the witnesses and there is no chance of completion



of trial in near future due to COVID-19, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Samastipur in connection with Singhiya P.S. Case No. 92 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.

(5) The petitioner is required to make his attendance before the concerned police station where he resides every day at 9 AM till conclusion of the trial and on any single default on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police



**station shall submit his monthly attendance report to the
Superintendent of Police, Darbhanga.**

(Purnendu Singh, J)

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