

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50057 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- BARHARIA District- Siwan

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Bali Singh Son of Late Shiv Shankar Singh @ Shiv Shankar Prasad R/O
Village- Rohara Khurd, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Barharia P.S. Case No. 122 of 2022 registered
for the alleged offences under Sections 272, 273, 308 and 34 of
the Indian Penal Code and Sections 30(c), (d) of Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, during a raid against
manufacturing of illicit liquor, 200 litres of raw material was
recovered and destroyed. The witnesses disclosed the name of
the petitioner who had kept the raw material at the place of raid.
Further recovery of 20 litres raw material was also made from



another place.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and no recovery has been made from his conscious possession. The petitioner has been named on the saying of the persons who allegedly witnessed the seizure. The petitioner is in custody since 13.07.2022 and charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that petitioner is having two criminal antecedents of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and also considering his period of custody along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Siwan in connection with Barharia P.S. Case No. 122 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and



the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Rajnish/-

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(Arun Kumar Jha, J)

