

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60728 of 2021**

Arising Out of PS. Case No.-134 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Kunal Singh @ Kunal Kumar Singh, Son of Late Deokant Singh, R/O
Village- Bala, P.S.- Lakari Nabi Ganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-08-2022 Learned counsel for the petitioner is permitted to

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

period of four weeks from today.

Heard Mr. Vipin Kumar Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Siwan Excise Case No. C-III-134 of 2021
registered for the offence punishable under Section 30 (a) of the
Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, it is alleged that the police on
a secret information raided the house of the petitioner and on
search 563.61 litres of Indian made foreign liquor was
recovered.

Learned counsel appearing on behalf of the petitioner
submits that from the seizure list, it would manifest that the



alleged recovery has been made from a husk house (shanty), which is not in the exclusive possession of the petitioner, rather the same is a joint family possession. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and moreover there are other irregularities in the preparation of seizure list. It is lastly submitted that the petitioner is in custody since 13.07.2021 and save and except one criminal antecedent, there is nothing against the petitioner.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the recovery has been made from the house of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a Shanty, which is not within the exclusive possession of the petitioner and he is in custody since 13.07.2021, apart from the fact that investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, 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 Additional Sessions Judge-II-cum- Special Judge, Excise, Siwan in connection with Siwan Excise Case No. C-III-134 of 2021,



subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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