

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64149 of 2021

Arising Out of PS. Case No.-327 Year-2021 Thana- MADHAURAH District- Saran

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GOLU KUMAR SINGH @ MUKESH SINGH Son of Late Paras Singh
Resident of Village - Terha Agauthar @ Agothar, P.S.- Isuapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-06-2022 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.

The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 327 of 2021 registered for the
offences punishable under Sections 30/30(A) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
total 521.625 liters of illicit liquor was seized by the police and
the name of present petitioner has been disclosed by the local
Chaukidar and local people alongwith others.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.08.2021, petitioner bears



criminal antecedent of six cases of similar nature in which he is on bail in five cases. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence.

From perusal of the FIR, it is clear that the petitioner was neither arrested on the spot nor any recovery was made from the possession of the petitioner. The name of petitioner has been disclosed by the local Chaukidar and the local people which has no value in the eye of law and seizure list has not been made as per law.

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 as well as period of custody, charge sheet has already been submitted, petitioner is not apprehended on the spot and 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 learned 2nd Additional Sessions Judge cum Special Judge, Excise, Saran at Chapra in connection with Marhowrah P.S. Case No.327/2021, 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 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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