

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52854 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

Shiv Prashan Singh, Son of Late Raj Kumar Singh, Resident of Village -
Sector 9D, Quarter No.- 2033A Road, P.S.- Harla Thana, District - Bokaro
(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 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 Industrial Area P.S. Case No. 68 of 2022
registered for the alleged offences under Sections 420, 465, 468,
467 and Section 471 and Sections 30(a) 36 and 41(i) of the
Bihar Prohibition and Excise Act.

As per prosecution case, police received information
about a truck carrying illicit liquor and the said truck was
intercepted and co-accused Sukhbir Singh was apprehended.
From this truck recovery of 4842.00 litre of illicit Indian made



foreign made liquor was made. The name of the petitioner transpired during investigation as an accused.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and he has no concern with the alleged occurrence. The petitioner was not apprehended from the spot and no recovery has been made from his conscious possession. The petitioner has no concern with the mobile numbers given by the driver in his confessional statement and further no concern with the seized liquor. Similarly placed co-accused Jagdish Teli has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 15.11.2022 passed in Cr. Misc. No. 59978 of 2022. The charge-sheet has been submitted and the petitioner is in custody since. 23.07.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having a long history of indulging in offences of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact the petitioner was not apprehended from the spot and nothing incriminating has been shown to be recovered from his possession and further considering the period of



custody of the petitioner 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 Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 68 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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.

(Arun Kumar Jha, J)

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