

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55103 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- BALIGAON District- Vaishali

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

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv.
	:	Mr. Vijay Anand, Adv.
For the Opposite Party/s	:	Ms. Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard Mr. N.K. Agrawal, learned senior counsel for
the petitioner and learned A.P.P. for the State through virtual
mode.

The petitioner seeks regular bail in connection with
Baligaon P.S. Case No. 43 of 2022, lodged under Sections 420,
465, 467, 468, 471 of Indian Penal Code read with Sections
30(a), 32(ii), 36, 41(i) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, the total recovery of 4424
liter of India made foreign liquor is the subject matter relating to
the present case.

Learned counsel for the petitioner submits that the

said recovery was made from a truck, with which petitioner has nothing to do. He further submits that petitioner is not made accused in this case, but his name has been disclosed by the driver that three other persons are coming from a Dezire car. He also submits that there is no recovery and petitioner is in no way concern with the seized liquor. He further submits that name of petitioner has figured in this case only upon disclosure by the driver. Learned counsel also submits that petitioner is in custody since 23.07.2022 and he has 5 criminal antecedents, in which in almost all cases, he is on bail but in few cases, he is persuading for bail. He further submits that the other co-accused persons were granted bail by the Co-ordinate Bench of this Court vide orders dated 04.11.2022 & 16.11.2022 passed in Cr. Misc. Nos. 47493 of 2022 & 60245 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in

connection with Baligaon P.S. Case No. 43 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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