

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64819 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- MATIHANI District- Begusarai

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FEKAN SINGH @ KRISHNA MURARI @ MURARI S/o Dhruv Narayan
Singh R/o Village - Ramdiri Mahaji Choudhary Patti, P.S. - Matihani,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Matihani
P.S. Case No. 37 of 2021 registered under Sections 30(a) and 32
of Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is that the police personnel
has received information that illicit liquor has been brought near
the house of co-accused Abhinav Kumar for distribution
amongst 10-12 persons. On arriving at the place, nine persons



were fleeing away. Petitioner has been identified as being one who was fleeing away by the local *chowkidar*.

Learned counsel for the petitioner submits that even as per prosecution case, there is no recovery from the petitioner and he was not arrested from the place of recovery. The petitioner has no concern with 732.96 litres illicit liquor which was recovered from a *Bolaro* parked at the place of occurrence. It is submitted that on account of his earlier implications in six cases, his name has been dragged in this case on extraneous considerations by local *chowkidar*. Petitioner is stated to be on bail in all the six cases pending against him since before, as per disclosure made in paragraph 3 of the bail application. In the instant case, he is in custody since 23.07.2021. The investigation is complete.

Learned APP has opposed the prayer for bail.

The Court has considered the rival submissions. The fact that there is no recovery attributed to the petitioner, even as per prosecution; he was not arrested from the place of recovery, investigation is complete as well as the period of custody, this Court is inclined to allow the prayer. The further ground urged by the petitioner's counsel is also worth consideration as the same is based on parity with two other co-



accused, namely, Amit Kumar and Gaurav Kumar who have been allowed bail in Cr. Misc Nos. 37959 of 2021 and 67380 of 2021 respectively.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Begusarai in Matihani P.S. Case No. 37 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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