

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65545 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- KALYANPUR District- Samastipur

Sunil Singh Son of Dinesh Singh @ Vinay Singh Resident of Village -
Simariya Bhindi, P.S.- Kalyanpur, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 19-05-2022

Heard counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner is in custody in connection with
Kalyanpur P.S. Case No. 162 of 2020 instituted under sections
309a), 41 (I) (II) 47 of the Bihar Prohibition and Excise
Amendment Act, 2016.

As per the prosecution story, the police on receiving
secret information raided a hut and saw a person escaping from
that place. The Choukidar identified him as the petitioner herein.
Upon search of the hut altogether 542 litres of 340 ml India
Made Foreign Liquor was found in different category of 108
bottels, 660 bottles and 1188 bottles.

Counsel for the petitioner submits that neither the hut



belongs to him nor he was arrested from the spot and or/ anything has been recovered from his conscious possession rather the Choukidar has implicated him due to village rivalry. He further submits that he is in jail since 30.7.2021 (as stated in para-14 of the bail application).

Considering the fact that the petitioner has not been arrested from the spot nor the hut belongs to him, the charge-sheet stands submitted and he is in jail since 30.7.2021; this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of 2nd Additional Sessions Judge cum Special Judge Excise, Act, Samastipur, in connection with Kalyanpur P.S. Case No. 162 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;



(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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