

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67429 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

FEKAN SINGH S/o Late Nandu Singh R/o village- Dighi Kala (West), P.S.-
Hajipur Sadar, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navjot Yeshu

For the Opposite Party/s : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 79 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 928.080 litres of illicit IMFL from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of the



petitioner. He further submits that in fact, the petitioner has rented his house to one Rahul Kumar vide rent agreement dated 04.01.2021 (Annexure-2). He further submits that co-accused Rahul Kumar has been granted bail by this court vide order dated 10.12.2021 passed in Cr. Misc. No. 45409 of 2021 and another co-accused Ved Prakash @ Sahil @ Sahil Kumar has been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 18.02.2022 passed in Cr. Misc. No. 54121 of 2021. Similarly, co-accused Sanjay Rai has been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 18.02.2022 passed in Cr. Misc. No. 53872 of 2021 and the petitioner is in custody since 24.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 79 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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