

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68009 of 2021**

Arising Out of PS. Case No.-222 Year-2021 Thana- GUTHANI District- Siwan

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BRIJENDRA SINGH @ GAJENDRA SINGH @ BAJENDRA SINGH Son
of Late Ram Badan Singh R/o Village- Rajpur, P.S.- Raghunathpur, District-
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 27-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Guthani

P.S. Case No. 222 of 2021 registered for the offences punishable

under Sections 25(1-b)a, 26, 35 of the Arms Act and Section

30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged that total

143.850 liters of foreign liquor was recovered from the car in

question and it is alleged that the co-accused and others supplied

the liquor to the present petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 23.09.2021 and the petitioner bears no criminal antecedent. The name of the present petitioner has been merely surfaced on the basis of disclosure of co-accused. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner is not apprehended on the spot. Petitioner is not owner of the said vehicle. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that co-accused, namely, Sunil Chauhan against whom recovery has been made has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.68823/2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on the spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge Excise, Siwan in connection with Guthani P.S. Case No. 222 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

Accordingly, this application is disposed of.

However, earlier order dated 10.05.2022 of this court has not been complied with by the Superintendent of Excise, Siwan.

Let a reminder be issued to the Superintendent of Excise, Siwan for compliance of the order dated 10.05.2022.

List this case on 27.07.2022 or for filing of compliance report whichever is earlier.

(Alok Kumar Pandey, J)

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