

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56749 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- CHENARI District- Rohtas

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BIRENDRA KUMAR SINGH Son of Late Baij Nath Singh R/V- Reriya, P.S-
Chenari, Dist- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

1.5 litres of illicit liquor has been recovered from the
motorcycle of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that the petitioner has got no
criminal antecedent as stated in paragraph-3 of the bail
application. It is further submitted that there is no recovery from
the conscious possession of the petitioner. It is also submitted
that the petitioner is the owner of the motorcycle, therefore, he
is also made accused in the present case. It is further submitted



that on the alleged date, co-accused, Chandra Shekhar Singh, who is son of the petitioner, had gone with the said motorcycle and was apprehended by the police on spot. It is submitted that there is no compliance of Section 100 Cr.P.C.

Petitioner is agree to deposit a sum of Rs.10,000/- (rupees ten thousand) in the Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Taking into consideration the fact that there is no recovery from the conscious possession of the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court No.1, Rohtas at Sasaram in connection with Chenari P.S. Case No.178 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the further conditions that:

- (i) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned court below on showing receipt of deposit of the aforesaid amount in the Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

Sanjay/-

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