

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60177 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Ghanshyam Kumar Singh Son of Yogendra Singh @ Yogendra Pd. Singh
Resident of Village - Telihar, P.S.- Beldaur, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66956 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Amrik Singh Son Of Jeet Singh R/O Village/Mohalla- Madho Jhanda, P.S.-
Kapurthal, District- Kapurthala, State- Punjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60177 of 2022)

For the Petitioner/s : Mr. Sheo Nandan Prasad

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

(In CRIMINAL MISCELLANEOUS No. 66956 of 2022)

For the Petitioner/s : Ms. Shilpi Keshri

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Sheikhpura P.S. Case No. 149 of 2021, registered for the

offences punishable under Sections 272, 273 of the Indian

Penal Code and Section 30 (a) of Bihar Prohibition and



Excise (Amendment) Act, 2018.

As per allegation, 2052.360 litres of foreign liquor was recovered from a Truck.

The learned counsel for the petitioners submit that the petitioner are innocent and have falsely been implicated in this case. They also submit that nothing has been recovered from the conscious possession of the petitioners and the petitioners are not named in the FIR.

The petitioners have been languishing in jail since 12.08.2022 and 09.09.2022 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner no. 1, namely, Ghanshyam Kumar Singh has earlier been made accused in one case whereas petitioner no. 2, namely, Amrik Singh has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.



Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Concerned Court below, Sheikhpura in connection with Sheikhpura P.S. Case No. 149 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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