

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2531 of 2023

Arising Out of PS. Case No.-396 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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RITIK SINGH S/O JAY PRAKASH SINGH Resident of Village- Bhour, P.S.-
Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.10.2022, in connection with Excise P.S. Case No.396/2022,
F.I.R. dated 01.10.2022, for the offences punishable under
Sections 30(a), 56(2)/(ii), 45 of Bihar Prohibition and Excise
Act, 2016.

According to prosecution case, 100 packet each
containing 500 ml country made liquor has been recovered from
the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.



as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the Hyundai car in question. He further submits that the petitioner is the driver of the car in question and he has no concern at all with the alleged recovery of illicit liquor. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.10.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight criminal antecedent other than the present one but fairly submits that on the basis of paragraph-3 of the bail petition the petitioner is on bail in all the cases.

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 Exclusive Special Excise Judge-II, Nawada, in connection with Excise P.S. Case No. 396/2022, 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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