

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19679 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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SATYAPAL SINGH S/O SARVAN SINGH @ SARWAN SINGH R/v-
Lachhru, P.S.- Kanauji, District- Patiala, Punjab- 140702

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
09.10.2022 in connection with Samastipur Muffasil P.S. Case
No. 445 of 2022, F.I.R. dated 08.10.2022 for the offences
punishable under Sections 30(a), 41(i)(ii) of the Bihar
Prohibition and Excise Act, 2016.

3. Recovery is of total 2656.800 liters of foreign liquor
from the vehicle in question.

4. 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 it appears
from the F.I.R. as well as seizure list that nothing has been



recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the vehicle in question. He further submits that petitioner was Khalasi of the of the truck in question and has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.10.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, 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 Special Excise Court-I, in connection with Samastipur Muffasil P.S. Case No. 445 of 2022, subject to the following conditions:-

1. One of the bailor should be father of the petitioner namely, Sarwan Singh @ Sarwan Singh.

2. 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.

3. 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.

4. 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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