

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23828 of 2023

Arising Out of PS. Case No.-208 Year-2021 Thana- FATUA District- Patna

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KAMAL SINGH Son of Inder Singh Resident of Village - Karontha, P.S.-
Shivaji Colony, District - Rohtak (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
20.02.2023 in connection with Fatuha P.S. Case No. 208 of
2021 (Special Case No.1958 of 2021), F.I.R. dated 13.03.2021
registered for the offence punishable under Sections 30(a),56(c)
of Bihar Prohibition and Excise Act.

3. Recovery is of 4350.63 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case due to his previous criminal antecedent and
thereafter the statement of the petitioner was recorded in which
he has confessed his guilt in the present occurrence and from a
bare perusal of the FIR it appears that nothing has been



recovered from conscious possession of the petitioner and except the confessional statement of the petitioner and his previous criminal antecedent, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner. Further submits that earlier the petitioner was remanded from Bypass P.S.Case No.38 of 2021 on 08.07.2021 but on 09.04.2022 he has absconded from the P.M.C.H. during his treatment and thereafter he has been taken into custody on 20.02.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine more cases other than the present one but fairly submits that the petitioner is on bail in all the nine cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from 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 learned Special Judge, Excise, Patna City, Patna in connection with Fatuha P.S. Case



No. 208 of 2021 (Special Case No.1958 of 2021),with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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