

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25812 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

Anil Singh @ Anil Kumar Singh Son of Lalan Singh Resident of village-
Gopalwadi, P.S.-Mashrak, District-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bhagwanpur Hat P.S. Case No. 341 of 2022 registered for the
offence under Sections 272, 273, 328, 308, 304, 201 and 120-B
of the Indian Penal Code and under Sections 30(a), 33, 34 and
37(b) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.02.2023.

The allegation against the petitioner is to involved in
illegal trading of spurious/illicit liquor, where after
consumption, five persons died.



Learned counsel appearing on behalf of the petitioner submitted that the allegation appears against this petitioner is to supply the spurious liquor to co-accused Jamadar Ray but nothing surfaced during the course of investigation in support of same. It is submitted that no spurious liquor, as alleged, was recovered from the possession of this petitioner or from his house so as to connect him with present occurrence. It is submitted that as petitioner found involved in four more criminal cases on the basis of suspicion, he was named in present case without having any cogent material. While concluding the argument, it has been submitted that out of four criminal cases he has already on bail in three cases and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no recovery of spurious liquor made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with



Bhagwanpur Hat P.S. Case No. 341 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special, Excise Court No. 1, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors
shall be deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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