

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47960 of 2023**

Arising Out of PS. Case No.-110 Year-2020 Thana- BASANTPUR District- Siwan

Chotu Singh @ Pravin Kumar Singh S/O Parshuram Singh R/O Village-
Karhi Kala, Ps. Basantpur, Distt. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
08.06.2023 in connection with Siwan Basantpur P.S. Case No.
110 of 2020, F.I.R. dated 10.03.2020 for the offences punishable
under Sections 272, 273, 308/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. Recovery is of 885.485 liters of country made
liquor.

5. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. She further submits that it appears from the F.I.R. as well as seizure list that altogether 885.485 liters of liquor has been recovered from the hut of the co-accused, namely, Musafir Ram and nothing has been recovered from the conscious possession or the house of the petitioner. She further submits that on the basis of the disclosure made by the co-accused person the name of the petitioner has falsely been implicated in this false and fabricated case. She further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the co-accused person. The petitioner is in custody since 08.06.2023.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, 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 Court No. 1, Siwan in connection with Siwan Basantpur P.S. Case No. 110 of 2020, 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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