

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54306 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

NARENDRA SINGH @ NAGENDRA SINGH S/O MUNDRIKA SINGH
R/O VILLAGE- QUARTOR NO. 3- 124 SECTOR - 2/C, POST- SECTOR- 2
H.O., PS.- B.S. CITY, BOKARO, DIST. BOKARO (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kahkashan Alam

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Malaypur P.S. Case No. 58 of 2021(G.R. No.1044 of 2021) instituted under Sections 272, 373/34 of I.P.C. and section 30(a), 36, 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018, lodged on 09.04.2021, by the informant, Vijay Kumar.

3. As per the prosecution story that the police while patrolling intercepted a truck which was escorted by the car and upon search of the vehicle, 90 litres liquor as also 4 mobile phones recovered from the four accused who tried to escape but were apprehended. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he was not apprehended from the spot and his name has come up



on the basis of confessional statement of co-accused, Vinod Kumar. As such, the alleged recovery of 90 litres liquor cannot be attributed to.

5. Learned APP opposes the prayer for bail stating therein that there was part and parcel of the accused person.

6. Considering the fact that nothing has been recovered from the conscious possession nor he has been apprehended from the spot and he is in custody since 16.06.2023 (para 20 of the bail petition) and one of the accused persons has already been granted bail by Coordinate Bench in Cr. Misc. No.69169 of 2021 and Cr. Misc. No.56657 of 2021 respectively (Annexure 3 of the bail application), this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Ist Exclusive Special Excise Court, Jamui, in connection with Malaypur P.S. Case No. 58 of 2021 (G.R. No.1044 of 2021) subject to following conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself,

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds:

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

sanjeev/-

U		T	
---	--	---	--

