

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53019 of 2023**

Arising Out of PS. Case No.-158 Year-2021 Thana- MANIGACHI District- Darbhanga

Suman @ Suman Kumar Singh Son Of Ashok Singh Resident Of Village-
Najra Babu Tola, Ps- Manigachi, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

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

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 07.07.2023 in connection with Manigachi P.S. Case No. 158 of 2021, F.I.R. dated 12.07.2021 for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of total 492.810 liters of multi brand illegal wine.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is the son of co-accused namely, Ashok Singh. 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 co-accused namely, Ashok Singh and petitioner has falsely been implicated in the present case only on the ground that petitioner is the son of co-accused namely, Ashok Singh. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.07.2023.

5. The learned Additional Public Prosecutor for the State 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 Judge Excise-II, Darbhanga in connection with Manigachi P.S. Case No.158 of 2021, G.O. No.10824 of 2022, 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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