

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62646 of 2022

Arising Out of PS. Case No.-467 Year-2022 Thana- PIRO District- Bhojpur

Pappu Singh @ Mama, aged about 35 years old, Gender-Male, Son of Bijay Singh Resident of village - Sonebarsa, P.S.- Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh.1, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Piro (Hasan Bazar) P.S. Case No. 467/2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

There is alleged recovery of 300 litres (three hundred litres) 'Mahua' liquor from the vehicle. The vehicle has been searched because, it is alleged that one vehicle and motorcycle had broken the police barrier during checking. Person who was on the motorcycle, co-accused, Vikash Kumar, was apprehended and he disclosed the name of persons who were moving in the vehicle from which recovery has been made.

Learned counsel for the petitioner submits that petitioner was not arrested at the time of recovery. There is no recovery from his possession. Merely on statement of one co-accused, Vikash Kumar, he has been implicated. Having no criminal antecedents, he is stated to be in custody since 22.08.2022.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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, Bhojpur, Ara, in connection with Piro (Hasan Bazar) P.S. Case No. 467/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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