

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59463 of 2022

Arising Out of PS. Case No.-283 Year-2022 Thana- BARAUNI District- Begusarai

Niraj Singh @ Niraj Kumar Son of Mr. Arvind Kumar Singh @ Arvind Singh
Resident of Village- Chakballi, P.S.- Barauni (Refinery O.P.), District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party/s : Mr. Asha Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Barauni (Refinery O.P.) P.S. Case No. 283 of
2022, registered for the offences punishable under Section 30
(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018 .

The allegation against the petitioner is to be involved
in the trade of illicit wine, the police in course of patrolling
conducted raid at Dera of Ledhwa and on search total 336.195



liters Indian made foreign liquor was recovered. On inquiry the local people disclosed that Neeraj Singh, along with some unknown persons including the petitioner are involved in the business of liquor and store the same in the Dera.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the fact that save and except the secret information with regard to the involvement of the petitioner, there is no material suggesting the involvement of the petitioner in the present crime. He further submits that only on account of the past two criminal antecedent, name of the petitioner has been implicated in this case on suspicion. He lastly submits that the petitioner is in custody since 12.08.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in two other criminal cases..

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the place, which has neither connected with the petitioner nor there is any material suggesting the involvement of the petitioner in the present crime, apart from



the fact that the investigation of the crime is already complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai, in connection with Barauni (Refinery O.P.) P.S. Case No. 283 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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