

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58919 of 2022

Arising Out of PS. Case No.-48 Year-2019 Thana- MUSRIGHRARI District- Samastipur

BABLU SINGH @BABLU KUMAR SINGH S/O Bansi Prasad Singh R/O
Village- Fatehpur Wala, P.S- Musrigharai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Musarigharari P.S. Case No. 48 of 2019, registered for the offences punishable under Sections 272, 273 of the I.P.C. and 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation total 5171.32 liters foreign liquor recovered from a truck bearing Registration No. NL0199808.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also



submits that the petitioner has no concerned with the truck and seized foreign liquor.

He further submits that the petitioner has been languishing in jail since 25.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail by order dated 16.11.2019 and 04.12.2020 vide Cr. Misc. No. 48790 of 2019 and Cr. Misc. No. 28203 of 2020 both anticipatory bail applications dismissed accordingly.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special



Judge Excise Court No.-1, Samastipur, in connection with Musarigharari P.S. Case No. 48 of 2019, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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