

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60494 of 2022

Arising Out of PS. Case No.-416 Year-2021 Thana- BANIAPUR District- Saran

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Pawan Kumar Singh @ Pawan Singh @ Pawan Son of Prabhat Singh R/v-
Ibrahimpur P.S.- Baniyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Baniyapur P.S.Case No. 416 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition Act and Excise Act.

As per prosecution case, two co-accused persons were apprehended with 108 litres of beer and 150 litres of country made liquor. The apprehended co-accused persons named the petitioner as the intended recipient of the illicit liquor.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession. He has been named in this case on the disclosure of the co-accused persons,



but the petitioner has got no concern with the seized illicit liquor. Learned counsel further submits that other co-accused persons have been granted bail vide orders dated 07.06.2022 in Cr. Misc. No. 21500 of 2022 and 26.08.2022 in Cr. Misc. No. 42752 of 2022 by a learned Coordinate Bench. The case of the petitioner stands on similar footing. The petitioner is in custody since 08.09.2022 and charge sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering grant of bail to other co-accused persons along with the period of custody of the petitioner and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of 1st Exclusive Special Excise Court, Saran at Chapra in connection with Baniyapur P.S. Case No. 416 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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