

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64146 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

BALJINDER SINGH Son of Darshan Singh Resident of Village- Harike @
Hariketaran, P.S.- Harike @ Hariketaran, District- Taran @ Tarn Taran
(Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha

For the Opposite Party/s : Ms. Meena 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

Industrial Area P.S. Case No. 146 of 2022, registered for

the offences punishable under Sections 420. 465, 467, 468

and 471 of the Indian Penal Code and Sections 30(a), 36

and 41(i) of Bihar Prohibition and Excise Act, 2016.

As per allegation, about 5733.360 litres of foreign

liquor has been recovered from a truck.

The Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that the petitioner is only the driver



of the vehicle and he was not aware of the content of the materials loaded in the vehicle. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

He further submits that the petitioner has been languishing in jail since 29.08.2022.

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 not moved this Court earlier either for anticipatory bail or regular one.

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 the Ld. Exclusive Special Excise Court No. 1 -cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 146 of 2022 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, the Ld. court below shall cancel the bail bond 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, the Ld. court below shall cancel the bail bond of the petitioner.

The 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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