

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64560 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- KHAIRA District- Saran

Naresh Singh, Son of Bhulli Singh @ Bhulla Singh Village- Baratpur, P.S.-
Didarganj Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the State : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khaira (Nagra) P.S. Case No. 287 of 2023, lodged on
03.08.2023 under Sections 30(a) and 33 of Bihar Prohibition
and Excise Act.

3. As per the prosecution case, total recovery of 11
drums of spirit is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
present case has been lodged completely on wrong information
as the recovered material is not the excise material rather it is
the mineral oil used for the purpose of preparation of the
cosmetic items. Learned counsel submits that the said spirit has
been purchased whose tax invoice is attached as Annexure-P2.



Learned counsel further submits that upon seizure of the goods, the Excise Chemical Examiner has examined the same and found that in the said alleged spirit contained of ethyl alcohol of 0.0% v/v. As such, the said material is not used for the purpose of liquor. He further submits that the antecedent of the petitioner is clean and he is in custody since 04.08.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner but accepts that it transpires from Annexure-P3 i.e. the analysis report that no contain of ethyl alcohol is present in the seized material.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Khaira (Nagra) P.S. Case No. 287 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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