

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63812 of 2022

Arising Out of PS. Case No.-382 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

Niranjan Singh S/O Dhanraj Singh @ Dharmraj Singh R/O Village-
Dhawdardh, Purav Tola, P.S- Sasaram Muffasil, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Sasaram Muffasil (Dhaudad O.P.) P.S. Case No. 382 of 2022 registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

200 litres country-made liquor was recovered in plastic sacks. The petitioner was allegedly fleeing away on seeing the police and has been apprehended.

It is submitted by learned counsel for the petitioner that



implication, even as per prosecution case, is based on the identification and statement of local persons. Recovery is not from his conscious possession and the petitioner is in custody since 16.08.2022. The petitioner has one antecedent as per disclosure made in paragraph 3 of the bail application. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law.

Learned APP has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, the period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2-cum-Addl. District & Sessions Judge, Rohtas at Sasaram in Sasaram Muffasil (Dhaudad O.P.) P.S. Case No. 382 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date



and if he fails to do so on two consecutive dates, his bail bond will be
liable to be cancelled.

(Madhuresh Prasad, J)

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