

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66137 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- ARWAL District- Jehanabad

Shivji Singh Son Of Bachu Singh Village- Parsa Mirjapur Ps- Parsa Dist-
Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Arwal P.S. Case No. 77 of 2022 giving rise to Excise Case No.
343 of 2022 dated 25.02.2022, instituted for the offence
punishable under Sections 30(a) and 41 of the Bihar Excise and
Prohibition Act 2018.

3. The allegation is of recovery of 87.375 litres of
english wine from a Renault car bearing registration no. JH-
09H-7956.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that petitioner is not named in the
F.I.R. and only on the basis of confessional statement of co-
accused namely, Ranjan Kumar, petitioner has been made



accused in this case. It is further submitted that the petitioner is neither owner of the said vehicle nor has any concern with the seized wine. It is further submitted that there is specific allegation against Ranjan Kumar, who was apprehended at the spot and in his statement he disclosed that he has purchased the wine from one Manoj Singh at Bokaro Naya More and was going to Chhapra to deliver the same to Sanjay Kumar. Lastly, it has been submitted that the petitioner has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Arwal P.S. Case No. 77 of 2022 giving rise to Excise Case No. 343 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge Excise-2nd, District- Jehanabad / Successor Court/ Concerned, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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