

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69023 of 2022**

Arising Out of PS. Case No.-199 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Banka

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HARPAL SINGH Son of Jagir Singh R/v- Bhakhari Harni, P.S.- Kanubal,  
Dist- Gurdaspur (Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nityanand  
For the Opposite Party/s : Mr. Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      03-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with Excise  
Complaint Case No. 199 of 2022, registered for the offences  
punishable under Section 30(a) of Bihar Prohibition and  
Excise Act, 2016.

As per allegation, 1980 litres of liquor was  
recovered from a truck bearing Registration No.  
BR06G9578.

Ld. counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that the petitioner is not the owner of the truck and thus he was not aware of the content of the materials loaded in the vehicle. 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 04.10.2022,

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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 Ld. Additional



District & Sessions Judge-V, Banka in connection with  
Excise Complaint Case No. 199 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 any criminal antecedents, Ld.  
court below shall cancel the bail bonds 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

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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