

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74478 of 2022

Arising Out of PS. Case No.-364 Year-2022 Thana- SAHPUR District- Bhojpur

1. RITIK KUMAR SINGH @ MUNNA SINGH Son of Radha Mohan Singh Resident of vill. - Ishwarpura, P.S.- Shahpur (Karnamepur O.P.), Dist.- Bhojpur
2. Parmatma Singh Son of Late Dinanath Singh Resident of vill. - Ishwarpura, P.S.- Shahpur (Karnamepur O.P.), Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners are an accused in connection with Shahpur (Karnamepur O.P) P.S. Case No. 364 of 2022 for the offence registered under Sections 30 (a) of the Excise Act on 16.10.2022 by the informant, Manu Bhushan Mishra.

The prosecution case in brief is that on 15.10.2022, he was on patrolling duty in the night and got confidential information that in village Karnamepur, the petitioner herein including four other accused persons were keeping the liquor in the half constructed house. When the police went there, saw that 4-5 persons were keeping something in the said house after



unloading the same from the motorcycle but after seeing the police, all the accused persons tried to flee way but on chase, police caught two of them including the petitioners herein. It is further alleged that on search, 751 liters 680 Mili liters English liquor were recovered. Accordingly, the seizure list prepared and the petitioners were taken into custody.

It has been contended by the learned counsel for the petitioner that admittedly, the recovery/seizure is outside the site where the house was being constructed and to keep the building materials safe, the petitioners were sleeping there. The police inquired about the alleged materials and thereafter apprehended them showing recovery from there. The allegation of bringing the liquor in the house is absolutely false and actually the recovery was from the motorcycle. It has further been contended that without accepting the allegation and/or irrespective of the outcome of the present case, the petitioner will be contributing Rs. 25,000/- to the Patna High Court, Legal Services Committee.

Learned APP for the State opposes the prayer for bail stating the petitioners have been apprehended from the spot where the materials were recovered where the materials were recovered/seized.



Considering the fact that the petitioners are in custody since 17.10.2022 (as stated in paragraph-10 of the petition), both of them do not have criminal antecedent, the FIR lodged, ultimately they will have to face the trial and one of the petitioner is a young boy of 22 years, this Court is inclined to extend them the privilege of bail subject to the payment of Rs. 25,000/-

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Special Excise Judge- II, Bhojpur at Ara in connection with Shahpur (Karnamepur O.P.) P.S. Case No. 364 of 2022, subject to the condition that :-

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

(ii) the petitioners 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/her bail bond by the Trial court itself;

(v) the petitioners shall appear before the concerned police station every fortnight for next one year to mark their



attendance;

(vi) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(vii) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(viii) the petitioners shall cooperate in the investigation and make themselves available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha-

U		T	
---	--	---	--

