

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76741 of 2023

Arising Out of PS. Case No.-238 Year-2023 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

Bhawani Singh @ Rajesh Singh @ Rajesh (Male), Son Of Bhola Singh,
Resident Of Village- Manjhaul, Khutan Tola P.S- Cheriya Bariyarpur
(Manjhauli O.P), Distt -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Ms. Shashi Priya, Advocate Ms. Surbhi Nirmal, Advocate
For the Opposite Party/s	:	Mr. Nityanand

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Cheria Bariyarpur PS Case No. 238 of 2023 dated 13.08.2023
registered for the offences under Sections 188, 290 of the Indian
Penal Code and 30(a), 30(d) of Bihar Prohibition and Excise
Amendment Act, 2018.

3. Allegation is of recovery of 15 litres country-made
liquor from the mango orchard of Ajay Kumar Singh

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely implicated in this case. It is
submitted that that nothing has been recovered either from
conscious possession or from the house of the petitioner.



Petitioner's name has come in this case only on the disclosure made by the local Chowkidar, who disclosed the name of the petitioner and others. It is submitted that the mango orchard from where recovery has been made does not belong to the petitioner and same belongs to Ajay Kumar Singh. It is submitted that petitioner has four criminal cases against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on 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 Exclusive Special Judge Excise 1, Begusarai, in connection with Cheria Bariyarpur PS Case No. 238 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother,



sister and or his wife, (iii) that 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, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

ravikr/-

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

