

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.489 of 2023

Arising Out of PS. Case No.-79 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. PRAKASH SINGH @ PRASHANT KUMAR S/o Harikant Singh R/o Village- Tilaktajpur, P.S.- Runnisaidpur, Distt- Sitamarhi.
 2. Golu Singh @ Golu Kumar @ Shivam Kumar S/o Manoj Singh R/o Village- Tilaktajpur, P.S.- Runnisaidpur, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Sitamarhi Excise P.S. Case No. 79 of 2022 instituted under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police raided the hut of Shiv Kailash Singh @ Bulan Singh and altogether 651 litres 960ml English liquor of different brands were recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that the recovery is from the hut of Shiv Kailash Singh @ Bulan Singh and ironically, he has not even been made accused in the matter.



Learned APP on the other hand opposes the prayer of bail.

Considering the fact that the recovery is from the hut of hut of Shiv Kailash Singh @ Bulan Singh who has not been made an accused in the present case. On the basis of the information given by the local villagers, the petitioners' name have come in the FIR and also that similarly placed co-accused (Arun Sah in Cr. Misc. No. 73592 of 2022) has since been granted the relief of anticipatory bail by this Court, the petitioner too deserves anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Sitamarhi Excise P.S. Case No. 79 of 2022 to the satisfaction of learned Special Judge Exclusive Excise Court No. 2, Sitamarhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

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

(v) 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 the bail bonds;

(vi) 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.

(Rajiv Roy, J)

Ajay Singh/-

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