

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22829 of 2024

Arising Out of PS. Case No.-105 Year-2020 Thana- NIMACHANDPURA District- Begusarai

Daya Ram Singh @ Damru Singh S/o Late Rajo Singh Resident of Village-
Bandwar, P.S. Nimachandpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Neemachandpura P.S. Case No.105 of 2020, lodged on
06.12.2020, under Sections 420/120B of the Indian Penal Code
and under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

3. As per the prosecution, FIR has been lodged against
present petitioner under Sections 420/120B of the Indian Penal
Code. Total recovery of 3897 liters of foreign liquor has been
the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 15.02.2024 having no criminal



antecedent. Counsel submits that the said recovery has not been made from the possession of the petitioner, which is apparent from the seizure-list. Counsel further submits that the name of the petitioner has figured on the secret information but the police did not disclose the source of information. Counsel submits that other co-accused persons have been granted bail by this Court as well as by a coordinate Bench of this Court vide order dated 19.10.2022 passed in Cr. Misc. No.43878 of 2022 and vide order dated 06.01.2023 passed in Cr. Misc. No.62929 of 2022.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, Excise Act, Begusarai, in connection with Neema Chandpura P.S. Case No. 105 of 2020, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:



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

(ii) The petitioner 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 bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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