

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32872 of 2024

Arising Out of PS. Case No.-52 Year-2014 Thana- DIDARGANJ District- Patna

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Hanuman Singh @ Krishna Singh S/O Kapil Singh R/O Village- Fatehpur,
P.S- Didarganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Didarganj P.S. Case No. 52 of 2014, registered for the alleged offences under Section 272, 273 and 34 of the Indian Penal Code and Section 47(a) of Excise Act.

03. As per prosecution case, police received secret information about petitioner and co-accused manufacturing illicit liquor and selling the same. A raid was conducted at the identified place and 10-12 persons fled away on seeing the police party. From the spot, recovery of 70 litre of country made *mahua* liquor was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

Nothing incriminating has been recovered from the conscious or constructive possession of the person. Recovery has been made from a public place having open access to all. Except for the secret information received by the police there is no material to show involvement of the petitioner in the alleged occurrence. Learned counsel further submits that F.I.R. was registered in this case way back in 2014 and thereafter the record has been transferred to the learned Special Court of Excise only on 05.01.2024. The learned counsel further submits that the petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation and possibility of false implication and also the clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Court of Excise, Patna City in connection with Didarganj P.S. Case No. 52 of 2014, subject to the condition laid down under Section 438(2)

of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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