

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38890 of 2024

Arising Out of PS. Case No.-90 Year-2021 Thana- UJIYARPUR District- Samastipur

Harischandra Kumar Singh @ Harischandra Kumar Son of Bishnudeo Singh
Resident of Vilage- Fatehpur Bala, P.S. - Musrigharari, District - Samastipur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-09-2024 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. As prayed for, Learned Counsel for the petitioner is permitted to make necessary correction in paragraph 3 of the petition.

3. The petitioner seeks regular bail in connection with Ujyarpur P.S. Case No. 90 of 2021 lodged on 04.04.2021 under Sections 414, 467, 468, 471, 420/34 of the I.P.C. and Sections 30(a), 41(i) (ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per the prosecution, total recovery of 2406.6 litres of illicit wine has been the subject matter of the present case.

5. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



submits that the petitioner is not named in the FIR. Counsel submits that at the instance of the police his name has been figured in this case. Counsel submits that after three years of the investigation, his name has been inserted in this case at the instance of police from the mouth of one co-accused. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are 14 criminal cases pending against him. Counsel also submits that the petitioner is in custody since 20.03.2024.

6. Learned Counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and this aspect may be taken into consideration at the time of considering the bail application of the present petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed** as well as on being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, 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, Excise- 1st, Samastipur in connection



with Ujiyarpur P.S. Case No. 90 of 2021, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

8. Pending cases against the petitioner are as follows :-

- (i) Musrigharari P.S. Case No. 41 of 2003.
- (ii) Muffassil P.S. Case No. 299 of 2003.
- (iii) Muffassil P.S. Case No. 617 of 2008.
- (iv) Musrigharari P.S. Case No. 107 of 2017.
- (v) Tajpur P.S. Case No. 384 of 2017.
- (vi) Musrigharari P.S. Case No. 125 of 2017.
- (vii) Muffassil P.S. Case No. 258 of 2018.
- (viii) Musrigharari P.S. Case No. 152 of 2018.
- (ix) Mouzahidpur P.S. Case No. 252 of 2019.
- (x) Tajpur P.S. Case No. 7 of 2020.
- (xi) Tajpur P.S. Case No. 238 of 2020.
- (xii) Musrigharari P.S. Case No. 129 of 2020.
- (xiii) Vidyapati Nagar P.S. Case No. 122 of 2021.
- (xiv) Bangara P.S. Case No. 81 of 2021.

Aman Kumar/-

(Dr. Anshuman, J.)

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