

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39377 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- Gaura P.S. District- Saran

Angad Singh, Male, aged about 52 years, S/o- Raj Kishor Singh, resident of
village- Narharpur, P.S- Gaura , Dist - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends arrest in connection with
Gaura (Guara) P.S. Case No. 24 of 2024 dated 24.03.2024, instituted
for the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

3. There is allegation of recovery of 42 litres of country
made liquor from the Bamboo bush of Uma Pati Singh and 53.34
litres liquor from the agricultural field of Angad Singh.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this case.
It is further submitted that petitioner has been made accused only on
the basis of confessional statement of Deepak Singh, who was
arrested at the spot at different place of occurrence. Another co-
accused namely, Govinda Manjhi, was arrested at the different place
of occurrence. On the identification of Govinda Manjhi, 42 litres
Mahua liquor was recovered from the bamboo bush and 53.34 litres



was recovered from the agricultural field of Angad Singh. Further it is submitted that nothing has been recovered either from the conscious possession of the petitioner or from the house of the petitioner, rather, the said liquor has been recovered from a field under open sky. The petitioner has been made accused only on the basis that he is the father of the arrested person namely Deepak Singh on whose confession, petitioner has been named. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six week from today, in connection with Gaura (Guara) P.S. Case No. 24 of 2024, he shall be released on anticipatory 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 2nd Exclusive Special Excise Judge, Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his/her own blood relation, preferably father, mother, brother, sister



and or his wife.

III. 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.

IV. 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)

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