

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68117 of 2024

Arising Out of PS. Case No.-478 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Niraj Singh @ Niraj Kumar Singh S/o Umesh Singh @ Bimlesh Singh R/o Village- Akhgaon, P.S.- Sandesh, Dist.- Bhojpur at present of C/o Renter of Vishambhar Rai at Dighi Kala Purvi Pachkuara, P.S.- Hajipur Sadar, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-10-2024 Heard Mr. Rajani Ranjan Pd. Singh, learned counsel
for the petitioner and Mr. Parmanand Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 17.07.2024 in connection with Hajipur Sadar P.S. Case No. 478 of 2024, F.I.R. dated 15.07.2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 610.500 liters of liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather



the recovery has been made from the house of the co-accused, Bishambhar Rai. He further submits that the petitioner has been made accused in the present case only on the ground that the petitioner is the renter of Bishambhar Rai. The petitioner is in custody since 17.07.2024.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 478 of 2024, subject 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 shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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