

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25145 of 2017

Arising Out of PS.Case No. -30 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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Rajiv Kumar Singh, son of Shri Shivkant Singh, resident of Village-
Bajitpur, Police Station- Kurhani, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 01-07-2017 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody since 24.03.2017 in connection with Muzaffarpur Excise Case No. 30 of 2017 for the alleged offences under Sections 30(a) and 38(i) of the Bihar Excise Act.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of altogether 1296 litres of liquor. Attention is invited to the prosecution report, according to which itself shows that recovery has been made from a room adjacent to *Rajkiya Prathmiki Vidhyalaya* and not from the conscious possession of the petitioner. It is specifically stated by the petitioner that he has no concern with the goods recovered nor does he have any house adjacent to the school in question rather he owns a *Kirana* shop opposite to the school premises. It is further submitted that neither the petitioner nor his family members was present at the time of seizure and the seizure list has been prepared and pasted on the wall of the room without obtaining



their signature.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri Nayan Kumar, learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Muzaffarpur Excise Case No. 30 of 2017 on the following conditions :-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

Md. Ibrarul/BT

(Vikash Jain, J)

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