

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1958 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

=====

Rakesh Kumar Singh, s/o Jagdish Singh, Resident of Village- Pachpokhari,
P.S. Kudra, District- Kaimur (Bhabhua)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Suraj Deo Singh, Advocate

For the Opposite Party : Mr. Kalyan Shankar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Durgawati P.S Case No. 221 of 2016 registered for the offences
punishable under Sections 30(A), 37(1), 38 of Bihar Excise Act.

Allegedly, from Mini bus which was being driven by
the petitioner, foreign liquor in huge quantity was recovered as per
seizure list, the petitioner was also found in drunken state and
from beneath his seat also one used bottle of foreign liquor was
recovered.

Submission is of false implication and that from the
dicky of the bus the alleged recovery was made and for that the
petitioner cannot be held responsible, there is conductor and
cleaner, the petitioner has not loaded those articles in the bus, he



has been made victim of the circumstances and, as such, the petitioner who is suffering in custody since 17.10.2016, now deserves sympathetic consideration. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering the detention of the petitioner, now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Durgawati P.S. Case No. 221 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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