

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25789 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

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1. Rajeev Kumar Son of Shri Dinsh Prasad Choudhary, Resident of Village-
Fatehpur Kamali, Mahanar, (Ward No.-8), P.S.-Mahanar, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganga Prasad Bimal

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 06-06-2017 Heard Mr. P.K. Shahi, learned senior counsel

appearing for the petitioner and Sri Ajay Kumar Jha, learned

A.P.P. for the State.

The petitioner is seeking regular bail in Industrial
Area P.S.Case No. 25 of 2017 for the offence registered under
Sections 467, 468, 471,420 and 414 of the Indian Penal Code and
Sections 30 and 47 of the Bihar Prohibition and Excise Act, 2016.

The allegation, as contained in the fardbeyan
(Annexure 1), would show that the case has been instituted on the
basis of the statement of the Officer Incharge of Industrial Area
Police Station, Vaishali at Hajipur. According to the informant on
secret information he reached the place of occurrence where a



truck bearing Registration no. HR 63B- 7078 loaded with Indian made foreign liquor, in huge quantity, was seized. One Ashok Kumar son of Ram Kumar claimed that he was the driver of the truck. It is further alleged that in course of further enquiry he found three persons there, one of whom is Rajesh Kumar and another is Birendra. On search some cash and two mobiles were recovered from the possession of the petitioner who was riding on Apache motorcycle. It is further alleged that there were 315 boxes of Indian made liquor in the truck and the same had come for illegal trade and the petitioner in his confessional statement admitted to have connection with some other persons of Delhi and Haryana for the purpose of trading.

Learned senior counsel appearing for the petitioner submits that so far as the present petitioner is concerned, nothing has been recovered either from physical possession or from the motorcycle on which he was riding and that he was arrested by the police while moving in the local area.

Learned senior counsel further submits that Birendra has already been granted regular bail by this Court in Cr. Misc.No. 23684 of 2017 on 19.05.2017 He further submits that Tapeswar Rai from whom cash has been recovered has also been granted regular bail by this Court.



Learned A.P.P. although opposed the prayer for bail but on specific query as to what is the difference in the case of the petitioner and that of the case of Birendra, he could not be able to distinguish the present case.

In the facts and circumstances, stated above, and considering the fact that the petitioner has no criminal antecedent as stated in para 3 of the petition and the petitioner is in custody since 17.02.2017 as also other co-accused have been granted regular bail by co-ordinate benches of this Court, I am inclined to enlarge the petitioner on bail on furnishing bail bond of Rs. 25,000/-(twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IInd-cum-Special Judge, Vaishali at Hajipur in Industrial P.S.Case No. 25 of 2017.

(Rajeev Ranjan Prasad, J)

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